



THE UNIVERSITIES ACT, 2012
(NO 42 of 2012)

CHARTER

FOR

MASENO UNIVERSITY



LEGAL NOTICE NO.....

THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)

CHARTER FOR MASENO UNIVERSITY

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 Maseno University in accordance with the provisions of the Act.

SCHEDULE
THE UNIVERSITIES ACT, 2012
MASENO UNIVERSITY

PREAMBLE

WHEREAS the Government of Kenya established Maseno University situated in Nakuru County in the Republic of Kenya in 2000;

AND WHEREAS the said Maseno University 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, 2012;

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

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

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 Maseno University should be granted this Charter;

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

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

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

MASENO UNIVERSITY CHARTER

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

1- Short Title.

2-Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3-Establishment and Incorporation of Maseno University.

4-Vision and Mission.

5-Philosophy.

6-Functions of the University

7-Establishment of Constituent Colleges.

8-Establishment of Campus Colleges and Colleges within the University

9-Conferment, granting, cancellation and withdrawal of degrees, diplomas and 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-Chancellors.

16- The Principals of Constituent Colleges.

17- The Principals of Campus Colleges and Colleges within the University.

18- The Council.

19- Functions of the Council.

20- The Senate

21- The Management Board.

22- The Staff of the University.

23- Students Association.

24- Alumni Association

25- Performance of Functions in Absence of Office Holders.

PART IV – FINANCIAL PROVISIONS

26- Financial Year.

PART VI – MISCELLANEOUS PROVISIONS

27- Common Seal and other Instruments of Authority.

28- Statutes.

29- Protection of Name.

30- Variation and Revocation of this Charter.

MASENO UNIVERSITY CHARTER

PART I – PRELIMINARY

1. Short Title

This Charter shall be cited as the Maseno University charter, 2013.

2. Interpretation

In this Charter, unless the context otherwise requires:-

“Academic Board” means the academic board of a Constituent College;

“Act” means the Universities Act, 2012;

“Alumni Association” means association of all graduates and former students of the University;

"Cabinet Secretary" means Cabinet Secretary for the time being responsible for university education;

“College” means a college established within the University; but does not include a Constituent College

“Chairman of Council” means the Chairman of the Council of the University;

"Chancellor" means the Chancellor of the Maseno University appointed in accordance with section 12 of this Charter;

"College" means a college established within the University pursuant to a Charter granted under section 7 of this Charter, but does not include a Constituent College;

"Constituent College" means a constituent college of the University established under section 8 of this Charter;

"Council" means the Council of the University established under section 18 of this Charter;

"Deputy Vice-Chancellor" means a Deputy Vice-Chancellor of the University under section 15 of this Charter;

"Faculty" means an academic administrative unit within the University comprising several departments and concerned with a major division of knowledge;

“graduate” means a person upon whom a degree or other academic qualification has been conferred by the University;

"Institute" means a unit within the University, organized for the advanced instruction and research in a relatively narrow field or subject matter;

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

"Librarian" means the officer appointed to be the librarian of the University;

"Management board" means the Management Board of the University under section 21 of this Charter;

"School" means an academic unit within the University, headed by a dean and equivalent to a Faculty, comprising several departments, with focus on cluster of related disciplines;

"Staff Association" means an association or union of staff recognized by the Council as being representative of staff on matters of terms and conditions of employment;

"Senate" means the Senate of the University constituted under section 20 of this Charter;

"Statutes" means a set of regulations of the University formulated by Council under section 33 of this Charter;

"Students' Association" means an association of students recognized by the Council as being representative of the students of the University under section 23 of this Charter;

"University" means Maseno University established under section 3 of this Charter;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 14 of this Charter;

PART II - ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

- (1) The University is the successor to Maseno University established by the Maseno University Act, 2000.
- (2) Unless otherwise specified by the Statutes the administrative headquarters of the University shall be located in Maseno, Kisumu County, Kenya.
- (3) The University shall be a body corporate and 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) borrowing or lending money; and
 - (d) doing or performing all such other things or acts for the furtherance of the provisions of this Charter which may lawfully be done or performed by a body corporate.
- (4) Subject to this Charter, all rights, duties, obligations, assets and liabilities of Maseno University existing at the commencement of this Charter, shall be automatically and fully transferred to the University.

4. Vision and Mission

- (1) The Vision of the University is to be a leading institution and centre of excellence in university teaching, research and development.
- (2) The Mission of the University is the promotion of excellence in undergraduate and postgraduate studies, basic and applied research for the enhancement of economic, social, cultural, scientific and technological development of Kenya, with special emphasis on training practically oriented graduates.

5. Philosophy

Building upon our rich academic heritage and unique location on the Equator, bestriding the northern and southern hemispheres, Maseno University fosters the belief that communities are enriched by the diversity of human knowledge, ingenuity and experiences. In pace with emerging innovations in information technology, our all round graduates are empowered to contribute to the advancement of humanity. Our strategic location on the shores of Lake Victoria provides opportunities for stimulating intellectual engagement and creative synergies in the Great Lakes region, and the wider global community of nations. We strive to promote an environment in which ideas are shared and intellectual diversity embraced.

6. Functions of the University

- (1) The functions of the University shall be to:-
 - (a) provide directly, or in collaboration with other institutions facilities for technological, professional, and scientific education;
 - (b) advance knowledge and its practical application by research and other means;
 - (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;

- (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contribute to industrial and technological development of society directly or in collaboration with industry and other organizations;
- (f) develop new programmes of study including those that culminate in degrees, diplomas and certificates;
- (g) establish colleges, faculties, schools, institutes, departments, resource centers and administrative units as may be appropriate;
- (h) inculcate a culture of innovation in technology, engineering, science and humanities, and promote intellectual property rights amongst staff, students, and society;
- (i) promote education in humanities, sciences, technology, engineering and mathematics within the institution and society;
- (j) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (k) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (l) provide quality educational, research, cultural, social, recreational, sporting, and other facilities;
- (m) facilitate student mobility between programmes of study at different tertiary institutions, and the University;
- (n) promote critical inquiry and creativity in education, training and research within the institution;
- (o) participate in commercial ventures and activities that promote the objectives of the institution;
- (p) foster the general welfare of staff and students;
- (q) provide opportunities for development and further training for staff and students of the institution;

- (r) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
 - (s) provide programmes, products, and services in ways that reflect the principles of equity and social justice;
 - (t) 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;
 - (u) facilitate the development and provision of academic and other programmes that are appropriate and accessible.
- (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.

7. Establishment of Constituent Colleges

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

8. Establishment of Campus Colleges and Colleges 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, or centres as may be provided for by the Statutes.

9. Conferment, granting, cancellation and withdrawal of degrees, diplomas, certificates and other awards

- (1) Subject to this Charter, the University may:
 - (a) grant diplomas, certificates or other awards;
 - (b) confer the degrees of Bachelor, Master and Doctorate and such other degrees as may be provided for by the Statutes;

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

10. Award of Scholarships

Subject to this Charter, the University may award scholarships, bursaries and prizes and make other awards as is provided for in the Statutes.

PART III – GOVERNANCE AND MEMBERSHIP

11. Membership of the University

The Members of the University shall be:-

- (a) the Chancellor;
- (b) the Members of Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of each Constituent College;
- (f) the Principals of Campuses and Colleges within the University;
- (g) the members of Senate;
- (h) the Lecturers;
- (i) the Librarian;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Legal Officer;

- (m) the members of the Alumni Association;
- (n) the non-teaching staff;
- (o) the Students; and
- (p) Such other members from 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

There shall be a Chancellor of the University who shall be appointed and hold office in accordance with the provisions of the Act.

13. The Chairman Council

- (1) There shall be a Chairperson of Council of the University who shall be appointed in accordance with the provisions of the Act.
- (2) The Chairperson of Council shall hold office for a period of three years, provided that the person so appointed shall be eligible for re-appointment for a further one term.

14. The Vice-Chancellor

- (1) There shall be a Vice-Chancellor of the University who shall be appointed according to the provisions of the Act.
- (2) The Vice-Chancellor of the University shall hold office for a term of five years and shall be eligible for a further term of five years.
- (3) The terms and conditions of service of the Vice-Chancellor shall be provided for by the statutes as determined by the Council.

15. The Deputy Vice-Chancellors

- (1) The Council shall appoint two or more Deputy Vice-Chancellors, through a competitive process.
- (2) The Deputy Vice-Chancellor shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided by the Statutes.
- (3) 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 Constituent Colleges

(1) The Principal of a Constituent College shall be appointed competitively by the Cabinet Secretary on the recommendation of the University Council and shall be the academic and administrative head of the Constituent College.

(2) The Principal shall hold office upon such terms and for such period as may be provided for by the statutes and upon expiration of that period my be eligible for re-appointments for one further term.

17. The Principals of Campus Colleges and Colleges within the University

(1) The Council shall, for each College, appoint a Principal who shall be the academic and administrative head of the College and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for by the Statutes.

(2) The Principal shall hold office upon such terms and for such periods as may be provided for in the statutes and upon expiration of that period my be eligible for re-appointments for one further term.

18. 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 an *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 Council shall become vacant, if–

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

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

(c) upon -death of the member;

(d) he is adjudged bankrupt by a court of competent jurisdiction, or he enters into a composition or scheme of arrangement for the benefit of creditors;

(e) he is guilty of gross misconduct; and

(f) he fails to meet the requirements of Chapter Six of the Constitution 2010.

(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 regulations of the affairs of the Council shall be determined in accordance with this Charter and the Statutes.

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

(7) The members of the first University Council other than the *ex-officio* members shall at the first meeting after their appointment determine by lot which their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the University Council

(8) The Council shall ensure that a proper management structure is in place and make sure that the structure, functions to maintain corporate integrity, reputation and responsibility.

(9) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University.

(10) The Council shall review the viability and financial sustainability of the University, and shall do so at least once every year.

(11) The Council shall ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

19. Functions of the Council

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

(2) The Council -

(a) administer the property and funds of the University in a manner and for the purposes which shall promote the interest of the University, however, 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) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make disbursements there from to the University or other bodies or persons;

(c) provide for the welfare of staff and students of the University;

(d) enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate as provided;

(e) approve regulations governing the conduct and discipline of the students of the University;

(f) approve regulations governing the conduct and discipline of the staff of the University;

(g) raise funds and secure financial support for the University;

- (h) determine University fees and other charges;
- (i) establish scholarships, bursaries and other awards;
- (j) approve the terms and conditions of service and criteria for recruitment, appointment and promotion of staff;
- (k) approve the regulations governing staff and student conduct;
- (l) approve academic affiliations and associations with other colleges and institutions;
- (m) establish its Committees;
- (n) establish university colleges, campuses, departments, faculties, schools, institutes and any other teaching facility.
- (o) employ staff
- (p) approve the statutes of the University and cause them to be published in the Kenya Gazette;
- (q) approve the policies of the University;
- (r) approve the budget;
- (s) recommend for appointment of Vice-Chancellors, Deputy Vice-Chancellors and principals of constituent colleges through a competitive process;
- (t) to confer after receiving a report from the Senate, the title of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;
- (u) to promote and to make financial provisions and facilities for execution of the functions of the University;
- (v) subject to the laid down government procedures to approve sale, purchase, exchange, lease, or take on, lease movable and immovables property on behalf of the University;
- (w) subject to the laid down government procedures, to approve the borrowing of money on behalf of the university; and for that purpose and subject to the Act, to mortgage or charge all or any part of the property unless the conditions of the property so held provide otherwise, and to give such other security whether upon movable and immovable property or otherwise as the Council may deem fit;
- (x) to receive, on behalf of the University, donations, endowments, gifts, development grants or other moneys and make legitimate disbursements wherefrom;

(y) to approve the constitution of the Students' Association and so far as is reasonably practicable, to ensure that the Students' Association operates in a fair and democratic manner;

(z) to open bank account(s) for the funds of the University.

20. The Senate

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

- (a) the Vice-Chancellor, who shall be the Chairman;
- (b) the Deputy Vice-Chancellors;
- (c) the Principal of each Constituent College;
- (d) the Principal of each College within the University;
- (e) the Librarian;
- (f) the Deans of Schools, Directors of Institutes and Boards, Directorates and Centers;
- (g) the full Professors of the University;
- (h) the Dean of Students;
- (i) the Chairpersons of the teaching departments of the University;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Chief Medical Officer;
- (m) the Legal Officer;
- (n) two members elected by the Academic Board of each Constituent College from among the members of such Board;
- (o) not more than two Professors from each Constituent College;
- (p) one representative of each of the boards of the Faculties, Institutes and Schools elected by that Board from among those of its members who are not Professors and are not members of the Senate by virtue of any other provision of this sub-section;
- (q) two representative of the students being the President and the Secretary of the Students' Association; and

- (r) any other member that may be co-opted by the Senate.
- (2) The members of the students' Association shall not participate in the deliberation of the Senate, which the chairperson considers to be confidential or which relate to examinations, grade and such other issues that may pose a conflict of interest.
- (3) The functions of the Senate shall be to -
- (a) to satisfy itself regarding the content and academic standards of any course of study in respect of any degree, diploma, certificate or other award of the University, and to report its findings thereon to the Council;
 - (b) 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;
 - (c) to appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
 - (d) to determine which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University
 - (e) to determine the design of academic dress and prescribe its use;
 - (f) to promote and administer the extra-mural, external and extension work of the University;
 - (g) to promote research and innovation work in the University;
 - (h) to promote co-operation and linkages with other institutions of higher learning and industry;
 - (i) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
 - (j) to develop, implement and promote quality assurance systems and structures in all University academic operations;
 - (k) to promote the welfare of students;
 - (l) to discontinue a student from a programme of study on academic grounds;
 - (m) to receive proposals from various academic Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;
 - (n) to recommend to the Council appropriate criteria for appointment and promotion of academic staff of the university;

- (o) to review the Statutes from time to time and to present recommendations thereon to the Council
 - (p) 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
 - (q) to propose regulations to be made by the Council regarding the eligibility of persons for admission to a course of study;
 - (r) to propose regulations to be made 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;
 - (s) to advise Council on appointment, promotion and appraisal criteria of academic staff;
 - (t) to decide which persons have attained such standard of proficiency and are otherwise fit to be awarded a Degree and conferred Diplomas and Certificates of the University;
 - (u) to initiate proposals relating to the conduct of the University generally, and to discuss any matter relating to the University and to make representations thereon to the Council;
 - (v) to make regulations governing such other matters as are within its powers in accordance with this Charter or the Statutes; and
 - (w) to form such committees that shall make it easy for it to perform its duties.
- (4) Notwithstanding any other provisions of this Charter, the Council shall not initiate any action in respect of any of the matters mentioned in paragraphs (a) to (w), of subsection (3) except upon receipt of a report or proposal there under.
- (5) The Council shall not amend any regulations so proposed without further reference to the Senate.

21. The Management Board

- (1) There shall be a Management Board which shall consist of –
- (a) the Vice-Chancellor as Chairman;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of Colleges within the University

- (d) the Registrars;
 - (e) the Finance officer;
 - (f) the Legal Officer;
 - (g) the Director of Students Welfare;
 - (h) Director, Information Communication Technology; and
 - (i) Any such other members as may be determined from time to time by the Board.
- (2) 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, physical and financial resources of the University;
 - (b) making proposals to the Council and the Senate on policies that have application across the entire institution;
 - (c) develop and coordinate the University strategic and development plans; and
 - (d) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the university;
 - (e) establish any University charges and fees; and
 - (f) any other matters related to the management of the University.

22. The Staff of the University

- (1) All members of staff of the University shall, subject to this Charter, be appointed by Council and shall be so appointed either -
- (a) upon the terms and conditions of service prescribed by the Statutes; or
 - (b) in the case of a person seconded to the service of the University from the service of another University or similar institution, the Government or any other public service, on terms and conditions agreed between the Council and the seconding body.
- (2) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person or committee the power to appoint any member of staff of the University.
- (3) All members of staff shall:
- a) be subject to the general authority of the Council and of the Vice-Chancellor;

- b) be deemed to be employed on a full-time basis except as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

23. Students' Association

- (1) There shall be a Students' Association established in accordance with the statutes and the Act.
- (2) The functions of the Students' Association are to -
 - (a) oversee and plan, in consultation with the senate, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;
 - (b) draw the attention of the appropriate authorities, where necessary, to the special needs of the students; and
 - (c) undertake other functions as provided in its governance instruments approved by the Council.
- (3) There shall be Students' Council of the University which shall be elected by the Students' Association to manage its affairs, in accordance with procedures prescribed in the statutes.

24. Alumni Association

- (1) There shall be an Alumni Association of the University which shall consist of graduates and such other persons as may be prescribed by the Statutes.
- (2) The Alumni Association of the University shall participate in the process of appointment of the Chancellor within the provisions of the Act and Statutes.
- (3) The Alumni Association shall have the right to meet and discuss any matter relating to the University and to transmit resolution thereon to the Council and the Senate, and may exercise such other functions as may be prescribed in the statutes.

25. Performance of Functions in absence of 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 the incapacity of the Vice-Chancellor, the Cabinet Secretary on 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 the Deputy Vice-Chancellors, the Chairperson of Council, in consultation with the Chancellor, may appoint a member of 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 the 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 maximum 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

26. Financial Year

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

PART V - MISCELLANEOUS PROVISIONS

27. Common Seal and other Instruments of Authority

- (1) The symbols of authority shall be the common seal, the Mace, and the Logo.
- (2) The Common Seal of the University shall be kept in such custody as the Council directs and not be used except upon the order of the Council.
- (3) The Common Seal of the University shall be authenticated by the signatures of -
 - (a) the Vice-Chancellor
 - (b) one other member of the Council duly authorized by the Council in that behalf, and the Deputy Vice-Chancellor responsible for administration.
- (4) The Common Seal of the University when affixed to any document and duly authenticated under this section shall be judicially and officially noticed, and, unless and until the contrary is proved, any necessary order or authorization of the Council under this section shall be presumed to have been duly given.
- (5) The University Mace shall be a symbol of power and shall be stored, displayed, and used as provided for in the Statutes.

28. Statutes

- (1) In the performance of its functions under this Charter, the Council shall, subject to this Charter, make Statutes generally for the government, control and administration of the University and for the better carrying into effect of the purposes of this Charter, and in particular for:-

- (a) establishment of colleges, faculties, institutes and schools of the University;
 - (b) description of degrees, diplomas, certificates;
 - (c) defining the requirements for conferment of degrees and award of diplomas and certificates ;
 - (d) the conduct of examinations;
 - (e) prescribing fees and boarding charges;
 - (f) setting the terms and conditions of service, and schemes of service, including the appointment, dismissal and recommendation of retiring benefits of the members of staff of the University;
 - (g) describing 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 student Association;
- (2) The Council shall not make, amend or revoke any Statutes without reference to the Senate.
- (3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourth of the members present, and voting being not less than half of the total membership of the Council.

29. Protection of the 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 an entity that includes the words "Maseno" and "University" together in any order, unless the application for 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 "Maseno University" together in any order, and or 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 conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding three years, or both.
- (3) Notwithstanding the foregoing, nothing in this section shall 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.

30. 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 Kenya on the **1st** day of **March**, 2013

MWAI KIBAKI,
President.

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