



KENYATTA UNIVERSITY

THE CONSTITUTION

OF

**KENYATTA UNIVERSITY STUDENT
ASSOCIATION
(KUSA)**

REVISED 2021

KUSA CONSTITUTION (REVISED 2021)

ARRANGEMENT OF ARTICLES

CHAPTER ONE: NAME AND PURPOSE OF THE ASSOCIATION

- Article 1 Name
- Article 2 KUSA's Scope of Operation
- Article 3 Aims and Objectives of KUSA

CHAPTER TWO: MEMBERSHIP

- Article 4 Membership
- Article 5 Cessation of Membership
- Article 6 Rights of Ordinary Members
- Article 7 Obligations of All Members

CHAPTER THREE: ORGANS AND MEETINGS OF KUSA

- Article 8 Organs of KUSA
- Article 9 The Annual General Meeting
- Article 10 The Special General Meeting

CHAPTER FOUR: THE CONGRESS

- Article 11 Establishment of Congress
- Article 12 Composition of Congress
- Article 13 Functions of Congress
- Article 14 Elected Members of Congress and their Roles
- Article 15 Nominated Members of Congress and their Roles
- Article 16 Qualifications for Election to Congress
- Article 17 Disqualifications for Election to Congress
- Article 18 The Speaker and Deputy Speaker of Congress and Clerk of Congress
- Article 19 Inauguration of Congress
- Article 20 Summoning of Congress
- Article 21 Meetings of Congress and House Business Committee
- Article 22 Quorum in Congress
- Article 23 Regulation and Procedure in Congress
- Article 24 Voting in Congress
- Article 25 Director, Student Affairs, Deputy Directors, Wardens and Administrator of Satellite Campuses
- Article 26 Congressional Committees
- Article 27 Recall and Vacancies in Congress
- Article 28 Dissolution of Congress

CHAPTER FIVE: THE STUDENTS' GOVERNING COUNCIL

Article 29	Establishment of the Students' Governing Council
Article 30	Composition of the Students' Governing Council
Article 31	Qualifications for Election to the Students' Governing Council
Article 32	Disqualifications for Election to the Students' Governing Council
Article 33	Executive Authority
Article 34	Functions and Responsibilities of the Students' Governing Council
Article 35	Meetings of the Students' Governing Council
Article 36	Decisions of the Students' Governing Council
Article 37	The Chairperson
Article 38	The Vice- Chairperson
Article 39	The Secretary-General
Article 40	The Treasurer
Article 41	The Academic Secretary
Article 42	The Organizing Secretary for Social Welfare and Co-curricular Activities
Article 43	The Gender and Special Needs Secretary
Article 44	Liability of the Students' Governing Council
Article 45	Vacation of Office

CHAPTER SIX: ELECTIONS

Article 46	General Principles
Article 47	Election of KUSA Officials
Article 48	Establishment and Composition of the KUSA Electoral Commission
Article 49	Ineligibility for Nomination the Electoral Commission
Article 50	Authority and Responsibility of the Electoral Commission
Article 51	Election Procedure
Article 52	Spoilt Votes
Article 53	Election Offenses
Article 54	By-elections
Article 55	Rerun of Elections and Elections necessitated by exceptional circumstances
Article 56	Discharge from office of Interim Members of the Electoral Commission
Article 57	Election Petitions
Article 58	Transition

CHAPTER SEVEN: THE CONSTITUTION OVERSIGHT COMMITTEE

Article 59	Establishment of the Committee
Article 60	Composition of the Committee
Article 61	Authority of the Committee
Article 62	Petitions to the Committee

Article 63	Mandate of the Committee
Article 64	Interpretation of the Constitution

CHAPTER EIGHT: FINANCE AND INVESTMENT

Article 65	Sources of Finance
Article 66	Collection of Revenue
Article 67	Expenditure
Article 68	Financial Benefit to Office Bearers
Article 69	Signatures for the KUSA Vote
Article 70	Books of Accounts
Article 71	Management of KUSA Funds

CHAPTER NINE: MISCELLANEOUS

Article 72	By-laws and Policies
Article 73	Alteration of Laws
Article 74	Discipline
Article 75	Dissolution of KUSA
Article 76	Board of Trustees

Schedule of Transitional and Consequential Provisions Preamble

We, the students of Kenyatta University—

Aware that the organization of students at Kenyatta University was created to serve the student community in its pursuit of academic excellence, social welfare, peace, competitiveness in the job market, and integrity;

Exercising our right to determine the form of organization we deem suitable for our association;

Determined that the values of transparency, accountability, respect for the rights of students, and social justice shall be institutionalized in our association so as to ensure that democracy is enjoyed by all students;

Convinced that this Constitution shall guarantee the continued peaceful existence of the association known as the Kenyatta University Students' Association;

Recognizing the desire of the students to have a constitution that will govern them;

Acknowledging the authority of and determined to abide by the Universities Act, the Charter and the Statutes of Kenyatta University, and the laws of the Republic of Kenya;

Do hereby, with the consent of the University's Senate, adopt and bind ourselves by this Constitution and the Schedule of Transitional and Consequential Provisions annexed hereto as the Constitution of the Kenyatta University Students' Association.

CHAPTER ONE
NAME, SCOPE, AIMS AND OBJECTIVES OF THE ASSOCIATION

Article 1

Name

- 1) There shall be an Association of Kenyatta University student known as the Kenyatta University Students' Association with the approval of the University Senate and University Council.
- 2) The Kenyatta University Students' Association shall, for all purposes, be abbreviated as KUSA.

Article 2

Scope of Operation of KUSA

- 1) All Kenyatta University students shall abide by this Constitution.
- 2) The headquarters of KUSA shall be located at the main campus of Kenyatta University.
- 3) Branch offices of KUSA in campuses or institutions declared to be part of Kenyatta University may be established with the recommendation of Congress and approval of Senate.

Article 3

Aims and Objectives of KUSA

The aims and objectives of KUSA shall be—

- 1) To establish efficient and effective organs to make and administer KUSA by-laws and policies;
- 2) To deepen the members' sense of duty to the University community, families, and nation;
- 3) To ensure the rights of students in academics, disciplinary actions, health services, catering and accommodation, social welfare, safety and security services;
- 4) To provide students with suitable opportunities for a healthy social life through arts, sports, spiritual nourishment and entertainment;
- 5) To advance gender equity and human rights;
- 6) To enhance the integration of persons with special needs in Kenyatta University and society;
- 7) To enhance contact with the alumni of Kenyatta University in liaison with the Directorate of Endowment and Alumni Programmes;
- 8) To honor, in consultation with the University Management, KUSA members who have made outstanding contributions to the University in academics, research and co-curricular activities;
- 9) To develop positive relationships with the general public through participation in community service and related projects;
- 10) To collaborate, with the approval of the Vice-Chancellor, with non-political organizations, professional associations, and student groups that share the vision, aims, and objectives of KUSA.

CHAPTER TWO

MEMBERSHIP

Article 4

Membership

- 1) Any student admitted to Kenyatta University and registered for a programme leading to qualification for the award of a certificate, diploma or degree of the University shall be a member of KUSA.
- 2) To participate and benefit from KUSA, one has to be a *bona fide* student. A *bona fide* student is one who has fully paid fees and registered on-line during the current semester.

Article 5

Cessation of Membership

- 1) A person shall cease to be a member of KUSA when he/she ceases to be a student of Kenyatta University.
- 2) A person who ceases to be a member of KUSA shall not be entitled to a refund of registration and subscription fees, or donation made to KUSA.

Article 6

Rights of Members

A member has the right to—

- 1) Access the services and facilities offered by KUSA, provided that such access shall be through appropriate and legal means;
- 2) Inspect KUSA books of accounts twenty-one (21) days after having delivered a written notice to the Treasurer
- 3) Access an electronic copy of this Constitution and KUSA brochure

Article 7

Obligations of Members

- 1) Every member shall recognize KUSA officials as the legitimate representatives of the student body and shall abide by all constitutional decisions made by the Congress and Students' Governing Council.
- 2) Every member shall respect the property of KUSA, the University, and the public. Any member who causes damage to such property shall be subject to the disciplinary provisions of the University and the laws of Kenya.
- 3) Every member shall be required to honour his/her financial obligations to KUSA.

CHAPTER THREE

ORGANS AND MEETINGS OF KUSA

Article 8

Organs of KUSA

The organs of KUSA shall be—

- 1) The Students' Congress, also referred to as the Congress;
- 2) The Students' Governing Council (SGC);
- 3) The Constitution Oversight Committee (COC);
- 4) Any other organ which may be established by the Congress with approval of the Senate,

Article 9

The Annual General Meeting

- 1) There shall be an Annual General Meeting (AGM).
- 2) Ordinarily, the AGM shall be physically held at the main campus of the University unless approval is given for holding a virtual meeting.
- 3) The AGM shall be by the delegate system.
- 4) Every congressional entity shall be represented by delegate in the AGM as structured below:
 - a. a school having more than seven thousand (7,000) members shall be represented in the AGM by ten (10) members
 - b. a school having less than seven thousand (7,000) members shall be represented in the AGM by five (5) members
 - c. a non – resident entity shall be represented in the AGM by five (5) members
 - d. a hall of residence entity shall be represented in the AGM by three (3) members
 - e. a congressional entity representing special interest and chaplaincies shall be represented in the AGM by two (2) members
 - f. a campus with over five hundred members shall be represented in the AGM by three (3) members
 - g. a campus having less than three hundred members shall be represented in the AGM by two (2) members
 - h. Continuous Education Programme entity shall be represented in the AGM by three (3) members
 - i. Digital School of Virtual and Open Learning students shall be represented in the AGM by two (2) members
- 5) Every delegate shall have the right to requisition that a vote be taken at the AGM.
- 6) The AGM, which shall ordinarily take place during the second semester, shall—
 - a) Approve the minutes of the previous AGM as presented by the Secretary-General;
 - b) Receive an overall report on KUSA's operations from the Chairperson;
 - c) Receive the audited annual financial report from the Treasurer;
 - d) Discuss any other business relevant to enhancing the functions and operations of KUSA.
- 7) Unless otherwise provided for in this Constitution, every resolution of the AGM shall be by a simple majority vote of those present and voting at the meeting.
- 8) Voting at the AGM shall be by the raising of hands, unless two-thirds of the members present and voting resolve otherwise.

- 9) The quorum for the commencement of business for the AGM shall be fifty percent plus one delegate. If the designated quorum is not present at the start of the meeting, the AGM shall be postponed.
- 10) The notice of the AGM shall be issued on behalf of the SGC, in consultation with the Director Student Affairs, by the Secretary- General or in his/her absence the Vice Chairperson
- 11) The notice of the AGM shall be posted to all campuses and posted on the University website at least twenty-one (21) calendar days before the date of the meeting.

Article 10

Special General Meeting

- 1) There shall be a Special General Meeting (SGM).
- 2) Ordinarily, the SGM shall be physically held at the main campus of the University unless approval is given for holding a virtual meeting.
- 3) The SGM shall be by the delegate system.
- 4) Every congressional entity shall be represented by delegate in the SGM as structured below:
 - a. a school having more than seven thousand (7,000) members shall be represented in the SGM by ten (10) members
 - b. a school having less than seven thousand (7,000) members shall be represented in the SGM by five (5) members
 - c. a non – resident entity shall be represented in the SGM by five (5) members
 - d. a hall of residence entity shall be represented in the SGM by three (3) members
 - e. a congressional entity representing special interest and chaplaincies shall be represented in the SGM by two (2) members
 - f. a campus with over five hundred members shall be represented in the SGM by three (3) members
 - g. a campus having less than three hundred members shall be represented in the SGM by two (2) members
 - h. Continuous Education Programme entity shall be represented in the SGM by three (3) members
 - i. Digital School of Virtual and Open Learning students shall be represented in the SGM by two (2) members
- 5) Every delegate shall have the right to requisition that a vote be taken at the SGM.
- 6) Subject to the provisions of this Constitution, any member may petition the Chairperson to convene a SGM. This will be through a written proposal, detailing the agenda for the meeting.
- 7) The written proposal shall be signed by not less than five thousand (5,000) members from whom a minimum of 10 school will have at least four hundred (400) members signatures each.
- 8) The written proposal shall be submitted twenty-one (21) calendar days before the proposed date of the meeting to the Chairperson who shall respond in writing to the proposal within seven (7) calendar days of the proposal being served to him/her.
- 9) After receiving the petition for the SGM, the Chairperson shall table the petition before the SGC which shall decide whether the proposed meeting shall take place.
- 10) In consultation with the Director Student Affairs, the Chairperson may, as directed by the SGC, call the SGM to address emergency issues.

- 11) The quorum for the commencement of business for the SGM shall be fifty percent plus one delegate. If the designated quorum is not present at the start of the meeting, the SGM shall be postponed.
- 12) The notice of the SGM shall be issued on behalf of the SGC, in consultation with the Director Student Affairs, by the Secretary- General or in his/her absence the Vice Chairperson
- 13) The notice of the SGM shall be posted to all campuses and posted on the University website at least twenty-one (21) calendar days before the date of the meeting.

CHAPTER FOUR

THE CONGRESS

Article 11

Establishment of the Students' Congress

There is established a Students' Congress of KUSA.

Article 12

Composition of the Congress

The Congress shall consist of -

- 1) Members elected in accordance with Article 14;
- 2) Members nominated in accordance with Article 15;
- 3) The Students' Governing Council in accordance with Article 30;
- 4) The Director Student Affairs who shall be the ex officio member in accordance with Article 25, Section 1(a).

Article 13

Functions and responsibilities of the Congress

The Congress shall have such authority and responsibility as provided for in this Constitution and, in particular shall:-

- 1) Be the supreme legislative and policy-making organ of KUSA;
- 2) Elect the Speaker, Deputy Speaker and Clerk of the Congress at its first meeting after the general elections or when, pursuant to Article 18(4), the office(s) of the Speaker, Deputy Speaker and Clerk of the Congress become(s) vacant;
- 3) Debate and adopt for approval KUSA policies, proposals and decisions tabled by Congressional Committees, Congresspersons, the Students' Governing Council (SGC) or the ex officio member;
- 4) Monitor the implementation of its resolutions by the SGC;
- 5) Through its committees, conduct investigations into suspected misdeeds within KUSA's scope of operation;
- 6) Consider and vote on motions of no confidence as stipulated in Article 23(2) and (3);
- 7) Debate, and adopt budgetary proposals for consideration and approval by the University Management. The approved budget shall be implemented and monitored in accordance with Article 25 (1, b);
- 8) In all its activities, observe the Statutes, regulations and policies of the University, this Constitution, the by-laws and policies of KUSA, prudent practices, and the laws of Kenya.
- 9) Congress shall discuss the Chairperson's address on the state of KUSA, which shall be presented at its first sitting, ordinarily within the first twenty-one (21) days of each semester.
- 10) Members of Congress shall conduct and perform their functions and responsibilities while residing on campus while in session. Ordinarily, members of the Congress shall reside on campus while in session or given partial compensation if they reside off-campus as specified in the KUSA Finance Policy.
- 11) During the third trimester (ordinarily May-August), Congresspersons duly registered shall, together with the SGC, attend to the affairs of the students in session.

Article 14

Elected Members of Congress and their Roles

A. Composition of Elected Members of Congress

As determined in the Elected Member of Congress Schedule as follows:

- 1) Each Congressional entity of residence in the Main Campus shall be represented in Congress by one member known as a **Hall Congressperson** elected by and from the registered members of that entity at the time of election.
- 2) Non - resident members pursuing studies on main campus shall at the time of election elect from among themselves two congresspersons-
 - a) One male elected by the *bona-fide* male students and who shall be known as the **Male Non-Resident Congressperson**;
 - b) One female elected by the *bona-fide* female students and who shall be known as the **Female Non-Resident Congressperson**.
- 3) As determined in the Elected Members of Congress Schedule annexed herein, certificate, diploma and undergraduate members of each school in the University presided over by a Dean shall be represented in Congress by one member known as the **School Congressperson** elected by and from the members who are *bona-fide* students in that school at the time of election.
- 4) As determined in the Elected Members of Congress Schedule annexed hereto, certificate, diploma and undergraduate members of each school of the University presided over by a Dean shall be represented in Congress as structured as follows: -
 - a) A school having less than seven thousand (7,000) members shall be represented in Congress by one member known as the **School Congressperson** elected by and from the members who are *bona-fide* students in that school at the time of election.
 - b) A school having more than seven thousand (7,000) members shall be represented in Congress by two members, male and female, to be elected by and from all members who are *bona-fide* students in that school at the time of election.
- 5) Graduate School students under full-time and part-time programmes shall be represented in Congress by two (2) congresspersons, male and female full-time members known as the **Graduate School Congresspersons** to be elected by and from them at the time of elections. To be eligible for election, one shall:
 - a) Meet the qualification for election to congress under Article 16 (1) except for Article 16(1) (c) and (d);
 - b) Have studied for one semester and passed all the units registered for.
- 6) Sports and Games entity shall be represented in the Congress by one member known as the **Sports Congressperson** and shall:
 - a) Be a captain of a sports team from the main campus;
 - b) be nominated by at least twenty five (25) captains games teams
 - c) Be elected by captains of the sports and games teams from the Main, Ruiru, Parklands and City Campuses;
 - d) Alternate yearly on the basis of gender.

- 7) Students with disability shall be represented in the Congress by one member known as the **Special Needs Congressperson** to be elected by students with disability registered by the University at the time of election.
A member is qualified to seek to be elected to a position of Special Needs Congressperson if-
 - a) He/she is certified by Directorate of Disability Services as a person with disability;
 - b) Is nominated by thirty (30) members with disability;
 - c) Meets the qualification stipulated in Article 16 (1) except Article 16(1) (h).
 - d) Alternate yearly on the basis of gender.
- 8) Pursuant to Article 2(3) and 26(3, h) Branch offices of KUSA shall be established in satellite campuses as structured below-
 - a) A Campus having less than three hundred members shall be represented in the Congress by one member to be elected by and from the members of that campus, and shall be known as **Campus Congressperson**;
 - b) A Campus having between three hundred and five hundred members shall be represented in the Congress by two members to be elected by and from the members of that campus, a male elected by male members and a female elected by female members in that campus, and shall be known as the **Male and Female Campus Congresspersons** respectively;
 - c) A campus with more than five hundred members shall be represented by:
 - i. A Campus Representative to be elected by and from the members of that campus;
 - ii. Two (2) Campus Congresspersons, male and female elected by the male and female students respectively.
 - d) The Campus representatives and Congresspersons shall elect one of the campus Representatives during the first sitting of Congress, who shall be known as **Campus Representative in the SGC** and shall:
 - i. represent interest of Campuses in the SGC
 - ii. be in-attendance of SGC proceedings;
 - iii. have no voting rights.
- 9) Members registered for study in the Continuing Education Programme (CEP) shall be represented in the Congress by the following members to be elected by and from them at the time of election-
 - a) **CEP Representative** shall be elected by students undertaking certificate, diploma and undergraduate programmes representing members under CEP;
 - b) Two members, a male elected by the male students undertaking, certificate, diploma and undergraduate CEP students, and a female elected by the female students undertaking, certificate, diploma and undergraduate institutional- based students, and to be known respectively as the **Male and Female (CEP) Congresspersons**;
 - c) One member elected by the post-graduate CEP students and to be known as the **Post-Graduate CEP Congressperson**.
- 10) International students pursuing studies at Kenyatta University shall be represented in Congress by one member elected by and from among them and shall be known as **International Student Congressperson**. To be eligible for election, one shall;
 - a) Meet the qualification for election to congress under Article 16 (1) except for Article 16(1) (a) and (h);
 - b) Be a holder of a valid passport issued by the country of origin;
 - c) Be nominated by fifty (50) international students.

- d) Alternate yearly on the basis of country of origin.
11. The Digital School of Virtual and Open Learning (DSVOL) students shall be represented in Congress by two members, a male elected by the male DSVOL students, and a female elected by the female DSVOL students, and to be known respectively as the **Male and Female DSVOL Congresspersons**
- To be eligible for election, a member shall meet the qualification for election to congress under Article 16 (1);

B. Roles of Elected Members of Congress

Elected members of Congress shall attend all Congress sittings and in addition execute roles specific to their entities.

1. The Special Needs Congressperson shall:

- i. Advocate for the welfare of students with special needs.
- ii. Represent the interests of students with special needs in Congress;
- iii. Liaise with the Directorate of Disability Services to maintain an up to date record of all
- iv. Students with special needs in the university;
- v. Play an advisory role to the Kenyatta University Disability Students Association (KUDSA) in matters regarding KUSA operations;
- vi. In liaison with the Gender and Special Needs Secretary, see to it that Students with Special needs are involved and encouraged to participate in co-curricular activities;
- vii. Maintain an updated list of KUDSA associates;
- viii. In liaison with the KUSA Treasurer, ensure that the running of the KUDSA tuck-shop is transparent;
- ix. Be a member of Gender and Special Needs Congressional Committee;
- x. Carry out any other duty as assigned by the Director of Disability Services, KUDSA and KUSA.

2. The School Congresspersons shall:

- i. be a member of the electoral college delegate as stipulated in Article 51(3)(a)(i);
- ii. represent students in selected School and departmental administrative and academic meetings;
- iii. represent the constituents in Congress;
- iv. play an advisory role to the congressional entity on matters regarding KUSA operations;
- v. address students during the Deans forums;
- vi. be a link between the students and the respective School administration;
- vii. assist in maintaining sanitation and a clean environment at their zone of representation;
- viii. keep in touch with their respective Deans of School in ensuring safe, convenient and habitable learning environment;
- ix. coordinate School club activities in liaison with the Director, Student Affairs;
- x. organize events, sporting activities and other co-curricular activities in their congressional areas;
- xi. in consultation with the Dean organize KUSA approved and funded school activities;

- xii. monitor and advise on the implementation of policies affecting their constituents;
- xiii. be a member of one Standing Congressional Committee.
- xiv. constitute a KUSA school committee comprising of selected class representatives to organize KUSA initiated activities under the oversight of the School Dean

3. The Graduate School Congressperson shall:

- i. be a member of the electoral college delegate as stipulated in Article 51(3) (a) (i);
- ii. represent Students undertaking post-graduate studies on full-time/part-time basis in Congress;
- iii. represent students in selected Graduate School administrative and academic meetings;
- iv. constitute a KUSA school committee comprising of selected class representatives to organize KUSA initiated activities under the oversight of the Dean Graduate School.
- v. play an advisory role to the congressional entity on matters regarding KUSA operations;
- vi. be a member of one Standing Congressional Committee.

4. The Continuing Education Programme (CEP) Representative and Congresspersons

a) The Continuing Education Programme Representative shall

- i. in consultation with Congresspersons for Continuing Education Programme students, liaise with the SGC on matters related to Institutional-based students;
- ii. in consultation with the SGC, communicate with Continuing Education Programme students on matters related to their welfare;
- iii. Play an advisory role to the congressional entity in matters regarding KUSA operations;
- iv. in consultation with the members of his/her committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office;
- v. in consultation with the Director Student Affairs organize KUSA approved and funded activities for CEP students;
- vi. attend to academic matters unique to CEP students chair the CEP Congressional Committee.

b) The Continuing Education Programme (CEP) Congresspersons shall:

- i. represent CEP students with regard to issues affecting their accommodation and stay in campus;
- ii. play an advisory role to the congressional entity in matters regarding KUSA operations;
- iii. represent the Students from their Congressional entity in Congress;
- iv. be a member of the CEP Congressional Committee.

5. The Digital School of Virtual and Opening Learning (DSVOL) Congresspersons shall:

- i. liaise with the Dean DSVOL and KUSA SGC on matters of academic and welfare to the DSVOL students;
- ii. at all times represent Social and welfare needs of students on DSVOL programme;
- iii. Represent DSVOL students in the Congress;
- iv. Play an advisory role to the congressional entity in matters regarding KUSA operations;

- v. in consultation with the members of his/her committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office;
- vi. research and identify opportunities available for students on DSVOL programme to gain exposure and expertise in their academic field.

6. The Sports and Games Congressperson shall:

- i. liaise with Director, Sports and Games for proper coordination of sports and games;
- ii. advocate for the welfare of students participating in sports and games;
- iii. represent students involved in sports and games in the Congress;
- iv. play an advisory role to the congressional entity in matters regarding KUSA operations;
- v. assist in organizing sports and games tournaments between different student entities;
- vi. be a member of the Social Welfare and Co-Curricular activities Congressional Committee.

7. The International Students Congressperson shall:

- i. Represent International students in the Congress;
- ii. Represent and advocate for the academic and social welfare of international students
- iii. Play an advisory role to the congressional entity in matters regarding KUSA operations;
- iv. In liaison with the Director, Center for International Programmes and Collaborations organize events for international students;
- v. Be a member of the Information and External Relations Congressional Committee.

8. The Hall and Non-resident Congresspersons shall:

- i. Represent the interests of students in their respective congressional entities in the Congress;
- ii. Assist in identifying and addressing students' needs in their congressional entities;
- iii. In liaison with Wardens, plan and implement approved social and recreational activities funded by KUSA for their constituents;
- iv. Play an advisory role to the congressional entity in matters regarding KUSA operations;
- v. assist in implementing rules and regulations governing students' stay in hostels;
- vi. In liaison with Director Accommodation Services, Wardens, House Keepers and attendants ensure provision of conducive living environment in the hostels;
- vii. Be a member of one Standing Congressional Committee.

9. The Campus Representatives and Congresspersons:

a) The Campus Representative shall

- i. carry out the duties entailed by Article 26 (3)(h) and, in particular, discuss matters affecting members in his/her respective campus with members of the campus congressional committee;
- ii. Represent and advocate for the academic and social welfare of students in his/her respective campus

- iii. represent members in his/her respective campus and, in liaison with the Campus Representative in SGC, keep the SGC informed of matters related to KUSA at his/her respective campus;
- iv. pursuant to Article 25 (2) collaborate with the Deputy Director, Student Affairs of his/her respective campus in organizing KUSA approved activities;
- v. Play an advisory role to the congressional entity in matters regarding KUSA operations;
- vi. in consultation with the members of his/her committee, prepare realistic budget estimates for the years activities within fourteen (14) days of assuming office;
- vii. in consultation with the Secretary-General and the Deputy Director, Student Affairs of his/her campus, communicate important information with members and the administration of his/her respective campus;
- viii. collaborate with the Treasurer in managing KUSA investments and fixed assets in his/her respective campus;
- ix. In Liaison with the Deputy Director, Student Affairs, coordinate the planning and implementation of social and recreational activities for their constituents;
- x. Ensure gender inclusiveness and consideration of students with special needs for participation in co-curricular activities.
- xi. Chair the Campus Congressional Committee in their respective campus

b) The Campus Congresspersons shall:

- i. represent the Students from their Congressional entities in Congress
- ii. represent and advocate for the academic and social welfare of students in his/her respective campus;
- iii. play an advisory role to the congressional entity in matters regarding KUSA operations;
- iv. be a member of the campus Congressional Committee;
- v. work under the campus representatives to organize suitable activities in campus.

Article 15

Nominated Members of Congress and their roles

Nominated members of Congress shall attend all congress sittings and in addition execute roles specific to their entities.

A. Composition of Nominated Members of Congress

1. Each of the four chaplaincies registered by the University shall designate one of their members to represent them in the Congress who shall be known as:-
 - a) the Muslim Association of Kenyatta University (MAKU) Congressperson
 - b) the Kenyatta University Catholic Community (KUCC) Congressperson
 - c) the Kenyatta University Christian Union (KUCU) Congressperson
 - d) the Kenyatta University Seventh-Day Adventist (KUSDA) Congressperson
2. A member is qualified for nomination to Congress if at the time for nomination he/she
 - a) shall have the qualifications stipulated for election to Congress in Article 16, with the exception of Section 1(h);
 - b) has not been disqualified for election to Congress as stipulated in Article 17;
 - c) The nomination shall alternate yearly on the basis of gender.

3. The Chaplain/Imam of the respective chaplaincy shall present the name of the nominated member to the Secretary to the Electoral Commission at least three (3) days before the general elections of KUSA.

B. Roles of the Nominated members shall be-

- a) to play an advisory role to the congressional entity in matters regarding KUSA operations;
- b) to provide pastoral oversight to the congress by promoting spiritual nourishment paragons of integrity and moral high standing and lead by example;
- c) provide counsel both to the congress and student body in order to ensure institutional harmony and tranquility;
- d) the link between the chaplains and religious groups on the one hand, and KUSA and the University administration on the other hand in regard to organizing religious activities; a member of one of the Standing Congressional Committee.

Article 16

Qualifications for Election to Congress

- 1) A member is qualified for election to Congress if at the time for election he/she -
 - a) is a citizen of the Republic of Kenya;
 - b) is a *bona fide* Kenyatta University student;
 - c) has completed at least two (2) semesters having done a minimum of twelve (12) units;
 - d) has at least two (2) semesters left for study with a minimum of ten (10) units, inclusive of the semester of election;
 - e) be within the normal time frame for completion of the current programme of study, taking into account any earlier period of study spent in any other programme(s) at Kenyatta University;
 - f) is registered in the congressional entity he/she seeks to represent;
 - g) has, based on the available grades in the member's transcripts, an average grade of C in the programme being undertaken, or a grade of Pass where applicable;
 - h) is nominated by one hundred members from within the congressional entity he/she seeks to represent.

Article 17

Disqualification from Election or Nomination to Congress

A member is disqualified from election to Congress if at the time for election he/she—

- a) has ever been suspended/discontinued/expelled from the University and the suspension/discontinuation/expulsion was not revoked;
- b) is a member of the KUSA Electoral Commission or the Election Appeals Committee;
- c) has previously been removed from office for violation of this Constitution;
- d) has contravened provisions and policies governing student conduct as contained in the
- e) University Statutes, Joining Instructions, or the current Student Handbook or any provisions and policies pursuant to the same;

- f) has been convicted of a criminal offense by a court of law in the Republic of Kenya or any other nation;
- g) has received an academic warning within the last two (2) semesters;
- h) is already nominated as a representative to Congress for the same term of office as the vacancy he/she seeks to fill in such election;
- i) has ever been suspended or discontinued from any other University;
- j) has held office for two (2) terms as a member of the SGC or Congress in Kenyatta University or in any other University or Constituent College in Kenya;
- k) is a former or current holder of an elective position either at County Assembly or at the National or Senate Assembly.

Article 18

The Speaker, Deputy Speaker of Congress, and Clerk of Congress

- 1) There shall be a Speaker and Deputy Speaker of Congress and Clerk of Congress elected by Congress from among its members during the first meeting of Congress after the general elections. Members of the SGC, Nominated members and the *ex officio* member shall not be eligible for election as Speaker, Deputy Speaker or Clerk of Congress.
- 2) The election of the Speaker, Deputy Speaker and Clerk of the Congress shall be by secret ballot conducted according to the Standing Orders of the Congress.
- 3) The Speaker, the Deputy Speaker and Clerk of the Congress shall be sworn in by a Chaplain/Imam of the University.
- 4) The office of Speaker, Deputy Speaker or Clerk of the Congress shall become vacant when—
 - a) the office holder informs Congress in writing of his/her resignation;
 - b) the office holder ceases to be a member of Congress as stipulated in the relevant provisions of Article 27 (2);
 - c) the Congress, as stipulated in Article 23 (2,3), passes a motion of no confidence in the office holder.
- 5) A congressperson elected to be Speaker, Deputy Speaker or Clerk of the Congress shall continue to represent the congressional entity for which he/she was elected.
- 6) If the office of Speaker, Deputy Speaker or Clerk of Congress becomes vacant, Congress shall not transact any other business until a new Speaker, Deputy Speaker or Clerk of the Congress is elected and sworn in. The vacancy in the office of Speaker, Deputy Speaker or Clerk of Congress shall not affect the work of Congressional Committees.
- 7) The Speaker shall have authority and responsibility as provided for in this Constitution and in particular shall—
 - a) swear in members of Congress;
 - b) preside over meetings of Congress;
 - c) receive motions and allocate time for members of Congress to contribute to their discussions;
 - d) address Congress at its first sitting;
 - e) receive requests for recall of Congresspersons and forward to the COC, and communicate the verdict to the entities involved;
 - f) maintain order in Congress;
 - g) be an *ex-officio* member of the SGC;
 - h) communicate with Congress on matters relevant to its business;
 - i) provide general oversight of the Congressional Committees;

- j) together with the Director Student Affairs, exercise prudent oversight of the expenditure of KUSA funds by Congressional Committees;
 - k) enforce the Standing Orders and educate members on the House Business Procedures;
 - l) perform any other duties Congress may recommend that may enhance its efficiency and conduct;
 - m) be the Chairperson of the House Business Committee and carry out any duties assigned to him/her in this Constitution.
- 8) The Deputy Speaker shall—
- a) be in constant consultation with the Speaker on matters related to the proper functioning of the Congress;
 - b) assume the role of Speaker in his/her absence;
 - c) perform any duty as may be assigned to him/her by the Speaker.
- 9) The Clerk of Congress shall -
- a) serve as Secretary to Congress and the House Business Committee;
 - b) keep true, accurate and timely records of the proceedings of the Congress and the House Business Committee;
 - c) handle the correspondences of the Congress and the House Business Committee;
 - d) arrange for meetings and sittings of Congress;
 - e) liaise with the Speaker to convene sittings of the Congress in accordance with Article 20.

Article 19

Inauguration of Congress

- 1) Immediately after the swearing in of the Speaker and Deputy Speaker, the Speaker, or in his/her absence the Deputy Speaker, shall swear in the members of Congress collectively.
- 2) If a new member of Congress is absent from the swearing in of congresspersons and from the subsequent sitting of Congress, the Speaker shall declare the seat vacant, unless the new member received a written permission from the office of the Speaker to be absent.

Article 20

Summoning of Congress

The first meeting of Congress shall ordinarily take place within seven (7) calendar days following the inauguration of the SGC. Thereafter, the Clerk of Congress, in consultation with the Speaker, shall convene the subsequent sittings.

Article 21

Meetings of Congress and House Business Committee

No sittings of Congress shall be held at any place other than the Main Campus except with prior written approval of the Vice- Chancellor. Ordinarily, sittings of the Congress shall be physically held at the main campus of the University unless approval is given for holding a virtual meeting(s).

- 1) Within a semester, Congress will meet at least once in every four (4) weeks so that a period of four (4) weeks does not intervene between sittings of the Congress.
- 2) Subject to the provisions of this Constitution, the Speaker presides at all sittings of the Congress; when the Speaker is absent or barred from presiding, the Deputy Speaker shall

- preside; and in the absence of both the Speaker and Deputy Speaker, any of the three (3) Congress members of the House Business Committee under Article 21 (5)(e) shall preside.
- 3) The Director, Student Affairs, as *ex officio* member, shall attend the sittings of Congress; and when absent, he/she shall send a Deputy Director as his/her representative.
 - 4) The House Business Committee shall consist of—
 - a) the Speaker, who shall chair the committee and shall not have a vote unless there is a tie in which case he/she shall cast the deciding vote;
 - b) the Deputy Speaker who shall preside over the Committee in the absence of the Speaker;
 - c) Vice Chairperson who shall represent the SGC in the Committee;
 - d) the Clerk of Congress, who shall be the Secretary to the Committee;
 - e) three (3) members of Congress elected from the following entities namely; School Congressperson, Hall of Residence or non - resident Congressperson and the Religious Caucus in Congress respectively.
 - 5) The House Business Committee shall-
 - a) receive and approve -
 - i. motions
 - ii. questions
 - iii. committee statements
 - iv. reports
 - b) prepare the order paper and agenda for the Congress' business;
 - c) in consultation with the University's Administration, invite guests to Congress;
 - d) act as welfare Committee for Congress;
 - e) revise the Standing Orders of the house in line with this Constitution to facilitate proper business transaction in the House;
 - f) prepare an almanac of all sittings of the Congress;
 - g) Carry out designated KUSA projects *such as KUSA Honours*, and report to Congress.

Article 22

Quorum in Congress

- 1) The quorum needed to commence and conduct business in Congress shall be two thirds of the members. However, if it is the case that—
 - a) Thirty (30) minutes after the scheduled time for the beginning of the sitting, a quorum is not realized, then the Speaker shall postpone the sitting and reschedule it for another a time within seven (7) calendar days, and;
 - b) if a quorum is not realized at the time of the rescheduled sitting, then the Speaker shall commence and conduct business, and resolutions made in the sitting shall be binding on all members.
- 2) As stipulated in Article 27 (2) (b), (v), any member of the Congress absent for two (2) consecutive meetings in a semester, without the prior written permission of the Speaker, shall be deemed to have resigned from the Congress and any other office the member may hold, and the Speaker shall declare the position(s) vacant.
- 3) A member of the Congress shall be deemed to have failed to attend a Congressional sitting if, without the Speaker's permission, the member is absent for more than half the duration of that sitting.

Article 23

Regulation and Procedure in Congress

- 1) Subject to this Constitution, Congress shall—
 - a) make rules to regulate the procedures of Congress, specifically rules for the orderly conduct of proceedings;
 - b) subject to any rule made under the foregoing (a), regulate the procedures of its committees.
- 2) An elected member of Congress may propose a vote of no confidence in the Speaker, or the Deputy Speaker, or Clerk of Congress or any individual member of the SGC for—
 - a) gross misconduct, which includes violations of the University's Statutes, Regulations, Joining Instructions, policies, the provisions contained in the current Student Handbook or this constitution or any subsequent documents that shall replace it;
 - b) persistent inability to execute the duties of his or her office.
- 3) The procedure for a vote of no confidence shall be as follows—
 - a) the proposer of the motion shall provide the Speaker, the Deputy Speaker, all members of the SGC and the Director Student Affairs, with a written notice of the intended motion detailing the grounds for such action as stipulated in Section 2 (a-b) of this Article;
 - b) following notification of the foregoing members of Congress, the proposer shall ask the Congress to discuss the motion;
 - c) if the subject of the motion is the Speaker, then the Deputy Speaker shall preside at the sitting;
 - d) if the subject of the motion is the Clerk of Congress, then the congress shall appoint a temporary Clerk of Congress for the sitting;
 - e) if two-thirds of all members of Congress agree to the member's request, the entire Congress shall then consider the motion and the subject of the motion shall have an opportunity to respond to the allegations before Congress;
 - f) a vote of no confidence shall be passed by not less than two-thirds of all members of Congress;
 - g) if a motion of no confidence is approved by the Congress, the presiding Speaker shall declare the seat vacant and communicate to the relevant entities for further action within seven (7) calendar days.
- 4) Subject to this Constitution, Congress business shall proceed, the absence of any of its members or vacancy in a position notwithstanding.

Article 24

Voting in Congress

- 1) Except where special majority are required by this Constitution, all decisions in Congress shall be determined by a simple majority vote of the members present and voting.
- 2) Secret ballot shall be used in voting for substantive bills.
- 3) On any question proposed for a vote in Congress, the member presiding at the sitting shall have a deciding vote but not an original vote.

Article 25

Director, Student Affairs; Deputy Directors, Wardens and Administrators of Satellite Campus

1) The Director, Student Affairs, shall -

- a) be an *ex officio* member of Congress, and shall not vote on any question before the Congress;
- b) collaborate with the Congress and the members of SGC in preparing the budget proposals and monitor the implementation of the approved budget;
- c) advise Congress on the creation of new congressional entities;
- d) address Congress on matters pertaining to University policies
- e) provide guidance to Congress when need arises;
- f) pursuant to Article 27 and 45, make referrals for investigations leading to vacation of office to the Constitution Oversight Committee;
- g) ensure prudent oversight of the expenditure of KUSA funds by Congressional Committees;
- h) in consultation with KUSA Chairperson, nominate any member of the SGC or the Congress to represent students in the Student Disciplinary Committee of Senate sitting in the absence of Secretary General and/or Academic Secretary or in the event of multiple parallel disciplinary sittings. Ordinarily, the Secretary General and Academic Secretary shall attend to the Student Disciplinary Committee sittings unless he/she is the subject of the disciplinary proceedings, Article 39 and 41. In the event that the Secretary General and /or Academic Secretary is/are unable to attend the sitting(s), he/she shall notify the Director, Student Affairs at least two (2) days in advance

2) The Deputy Directors of satellite campuses shall-

- a) pursuant to Article 26 (3,h) be *ex officio* members of the Congressional Committee of their respective campuses, but shall not vote on any question before the committees;
- b) perform the supervisory duties specified in Article 14(8);
- c) advise KUSA officials at the campuses in regard to matters pertaining to University policies
- d) provide guidance to the KUSA official at the campuses when need arises:

3) In campuses with no Deputy Director, Student Affairs or Warden, the Vice-Chancellor shall appoint an administrator on campus to play the roles specified in Articles 25(2).

Article 26

Congressional Committees

- 1) Subject to the Approval of Congress, the Congress shall have Standing Committees as shall be determined by this constitution.
- 2) The standing committees shall work towards the achievement of the aims and objectives of KUSA as provided for in Article 3 of this constitution.
- 3) Standing Committees of the Congress shall consist of the following-
 - a) the Security, Environment and Community Outreach Committee, which shall be chaired by the Chairperson;
 - b) the Accommodation, Catering and Health Committee, which shall be chaired by the Vice -Chairperson;

- c) the Information and External Relations Committee, which shall be chaired by the Secretary -General;
 - d) the Finance and Investment Committee, which shall be chaired by the Treasurer;
 - e) the Academic, Library and Bookshop Committee, which shall be chaired by the Academic Secretary;
 - f) the Gender and Special Needs Committee which shall be chaired by the Gender and Special Needs Secretary;
 - g) the Social Welfare and Co-curricular Activities committee which shall be chaired by the Organizing Secretary for Social Welfare and Co-curricular Activities;
 - h) Campus Congressional Committee which shall be chaired by their respective campus representative or Congressperson;
 - i) Continuing Education Programme Congressional Committee which shall be chaired by the CEP Representative.
 - j) The Digital School of Virtual and Opening Learning (DSVOL) Congressional Committee which shall be chaired by one of the DSVOL congresspersons.
- 4) All Congressional Committees shall meet at least once a month and provide the speaker with a copy of minutes.
 - 5) No Congressperson shall be a member of more than one standing Congressional Committee.
 - 6) Membership in the Congressional Standing committees shall be as numerically uniform as possible reflecting gender parity and national diversity.
 - 7) Subject to the provisions of this Constitution, Congress shall determine the terms of reference, rules of procedure and conduct of activities for its committees.

Article 27

Recall and Vacancies in Congress

- 1) This constitution provides for recall of Congresspersons provided:
 - a) not less than two-thirds of members registered in a congressional entity move a vote to recall their congressperson before the expiry of his/her term and notify the Speaker in writing;
 - b) a entity authorized to nominate a member to Congress recalls its representative by means of written notification to the Speaker of Congress;
 - c) the Speaker submits the written notification of recall to the Chairperson of the Constitutional Oversight Committee;
 - d) the grounds proffered by the electorate or the nominating entity are genuine and satisfactory to the Constitutional Oversight Committee;
 - e) that upon making a decision, the COC shall communicate the verdict in writing to the Speaker for further action.
- 2) The office of a congressperson becomes vacant when—
 - a) Congress is dissolved in accordance with the provisions of this Constitution (Article 28); b) the Congressperson—
 - i ceases to be a *bona fide* student of Kenyatta University;
 - ii resigns in a letter addressed to the Speaker of Congress;
 - iii is recalled in accordance with Sections (1) of this Article; iv. is suspended from the University;
 - iv calls off a semester or defers studies while in office.

- b) A member may be compelled to vacate office if he/she:
- i is found guilty of violating this Constitution, the Universities Act, the Charter, the University Statutes, Regulations, Joining Instructions, or the provisions contained in the current Student Handbook or any subsequent documents that shall replace it;
 - ii has received more than one warning letter from the University for contravening the regulations governing student conduct as contained in its Statutes;
 - iii is found guilty of gross mismanagement of KUSA funds by the Constitution Oversight Committee.
 - iv is convicted of a criminal offence by a court of law in the Republic of Kenya or any other nation;
 - v is unable to execute the functions of his/her office by reason of infirmity of mind or body;
 - vi is absent without the Speaker's prior written permission from two consecutive sittings of Congress in a semester.

Article 28

Dissolution of Congress

Congress shall stand dissolved when the KUSA Electoral Commission declares all positions open for contest.

CHAPTER FIVE

THE STUDENTS' GOVERNING COUNCIL

Article 29

Establishment of the Students' Governing Council

- 1) There is established the Students' Governing Council (SGC) of KUSA.
- 2) Subject to the provisions of this constitution, the SGC shall be the chief administrative and managerial organ of KUSA.
- 3) The office of the SGC shall be located at the main campus of Kenyatta University.
- 4) Ordinarily, meetings of the SGC shall be held at the main campus of Kenyatta University.

Article 30

Composition of the Students' Governing Council

The Students' Governing Council shall consist of -

- a) the Chairperson;
- b) the Vice Chairperson;
- c) the Secretary General;
- d) the Treasurer;
- e) three other members to represent special interests of students who shall be known as:
 - i. the Academic Secretary;
 - ii. the Gender and Special Needs Secretary;
 - iii. the Organizing Secretary for Social Welfare and Co-curricular Activities.

Article 31

Qualifications for the Election to the Students' Governing Council

To qualify for election to the SGC an aspirant shall-

- a) be a citizen of the Republic of Kenya;
- b) is a *bona fide* Kenyatta University student;
- c) be nominated in a team as required by article 51(4);
- d) have at least two (2) semesters left for study with a minimum of ten (10) units, inclusive of the semester of election;
- e) have, attained based on the available grades in the transcripts, an average grade of C in the programme being undertaken, or a grade of "Pass" where applicable;
- f) be within the normal time frame for completion of the current programme of study, taking into account any earlier period of study spent in any other programme(s) at Kenyatta University
- g) have completed at least two (2) semesters of study with a full load of academic study totaling at least twelve (12) units.

Article 32

Disqualification from Election to the Students' Governing Council

A member is disqualified for election to the SGC if at the time of election he/she -

- a) has ever been suspended discontinued/expelled from the University and the suspension discontinuation/expulsion was not revoked;
- b) is a candidate for the seat of a Congressional area or entity;
- c) is a member of the KUSA Electoral Commission or the Elections Appeals Committee;

- d) has previously been removed from office for violation of this Constitution;
- e) has contravened provisions and policies governing student conduct as contained in the
- f) University Statutes, Joining Instructions, or the current Student Handbook or any provisions and policies pursuant to the same;
- g) has been convicted of a criminal offense by a court of law in the Republic of Kenya or any other nation;
- h) has received an academic warning within the last two (2) semesters;
- i) has ever been suspended or discontinued from any other University
- j) has held office for two (2) terms as a member of the SGC or Congress in Kenyatta University or in any other University or Constituent College in Kenya;
- k) is a former or current holder of an elective position either at County Assembly or at the National or Senate Assembly;
- l) is not a member of any team.

Article 33

Executive Authority

- 1) The executive authority of KUSA shall be exercised for the benefit of KUSA members according to this Constitution, the Laws of the Republic of Kenya, the Universities Act, the University Charter, the University Statutes, Joining Instructions and the *Student Information Handbook* or any subsequent documents that shall revise / replace the aforementioned ones.
- 2) Executive authority in KUSA is vested in the Students' Governing Council (SGC) and may be exercised either directly or by delegation by the SGC.

Article 34

Functions and Responsibilities of the Students' Governing Council

- 1) The SGC shall-
 - a) be fully responsible for the general administration of KUSA;
 - b) ensure that all members uphold this Constitution and that this Constitution is free from all willful interference;
 - c) in consultation with the Registrar (Academic) and Director Student Affairs coordinate the orientation of new members;
 - d) propose for the approval of Congress policies and by-laws for the proper operation of KUSA and its organs;
 - e) prepare an almanac of SGC meetings;
 - f) prepare a schedule of annual and semester KUSA activities in line with the approved budget proposals and University semester dates;
 - g) implement resolutions made by the Congress;
 - h) subject to the approval of the relevant standing Congressional Committee, appoint representative of KUSA to committees of the University not expressly provided for in this constitution;
 - i) in consultation with the Director, Student Affairs and other designated University officers, monitor the prudent use and management of KUSA assets;
 - j) publish the audited accounts and balance sheets after approval by Congress not later than seven (7) calendar days before the AGM;
 - k) keep accurate and timely records of KUSA activities.

- 2) In the case of an emergency, the SGC, in consultation with the Director, Student Affairs, may make decisions without due consultation with Congress, provided that such decisions are made in the best interest of KUSA and that they are duly reported thereafter to the next sitting of the Congress
- 3) In the event that decisions made by the SGC violate this Constitution, then the provisions of Article 23(2) shall apply.
- 4) All members of the SGC shall reside on the Main Campus when they are in session.
- 5) The Chairperson, Vice Chairperson, Secretary General, Treasurer and Academic Secretary, unless with permission from the Director Student Affairs, shall remain in residence on the Main Campus whenever any group of students is in session to take charge of *all* KUSA affairs.
- 6) Subject to Article 48, 5(c), Article 49, and Article 57, 1(f), and with the approval of Congress, nominate members of the Electoral Commission and Elections Appeals Committee.
- 7) Members of SGC shall represent students on University Committees as provided for in the University Statutes. In the event that a member is unable to attend the meeting(s), he/she shall notify the Director, Student Affairs at least two (2) days in advance for him/her to nominate a replacement(s).

Article 35

Meetings of the Students' Governing Council

- 1) Ordinarily, the SGC shall meet at least twice every month during a semester.
- 2) The Chairperson shall convene every meeting of the SGC in a manner to be determined by the SGC during its first meeting following inauguration to office.
- 3) The quorum for the commencement and holding of a meeting by the SGC shall be two thirds of the members who should be present for not less than half the entire time of the meeting.
- 4) A member who fails to attend two (2) consecutive meetings of the Council without prior permission from the Chairperson shall lose his/her financial allowance for the month in which he/she is absent.
- 5) At a meeting of the SGC, the following shall preside-
 - a) the Chairperson;
 - b) in the absence of the Chairperson, the Vice Chairperson;
 - c) in the absence of both Chairperson, the Vice Chairperson, any other member of the SGC appointed by members at that time.

Article 36

Decisions in the Students' Governing Council

- 1) Voting in the SGC shall be mandatory for all members present other than the presiding member and it will be by secret ballot.
- 2) Any matter proposed for a decision during a meeting of the SGC shall be determined by a majority vote of the members present.
- 3) Regarding a matter proposed for a decision during a meeting of the SGC, the member presiding at the meeting shall have a deciding vote but not an original vote.

Article 37

The Chairperson

- 1) There shall be a Chairperson of the Kenyatta University Students' Association (KUSA).
- 2) The Chairperson shall have authority and responsibility as provided for in this Constitution and in particular shall-
 - a) chair at meetings of the SGC, the Annual General Meeting(AGM) and any Special General Meeting (SGM);
 - b) address, at invitation of the University, public functions of the University; c) serve as:
 - i. Chairperson of Security, Environment and Community Outreach Congressional Committee;
 - ii. coordinator of activities of the committee in close liaison with the relevant University office.
 - c) represent KUSA at meetings of Senate and the Senate Executive Committee;
 - d) ensure proper and cordial relations among the various organs of KUSA and the University's administration;
 - e) with the consent of the SGC, the Congress and the University Management, represent KUSA at the National and International levels on issues relevant to KUSA interest;
 - f) be a signatory to the KUSA Vote for the purpose of processing requisitions from the vote;
 - h) be responsible for the overall administration of the SGC;
 - i) be the custodian of this Constitution and ensure that it is free of willful and malicious interference;
 - j) subject to the provision of this Constitution and with the approval of the SGC, delegate or assign duties to any other member of the SGC;
 - k) following due consultation with other available members of the SGC, and the Director Student Affairs, make emergency decisions that are in the best interest of KUSA and which shall be reported to Congress at its next sitting;
 - l) address the first meeting of the Congress and every first sitting of the Congress in a semester;
 - m) in consultation with the Director Student Affairs, assist the treasurer in developing realistic global budget for discussion by congress;
 - n) with the approval of the SGC, communicate only with members and the line department concerning matters related to his/her committee;
 - o) in consultation with the members of his/her Congressional Committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office;

Article 38

The Vice-Chairperson

- 1) There shall be a Vice-Chairperson of the Kenyatta University Students' Association (KUSA) who shall be of the opposite gender to that of the Chairperson.
- 2) The Vice - Chairperson shall have authority and responsibility as provided for in this Constitution and in particular shall-

- a) in the Chairperson's absence, assume and act on the authority and responsibility of the Chairperson, with the exception of Article 37, 2 (c) and (f);
- b) carry out the functions stipulated in Article 21, 4 (c);
- c) serve as:
 - i. Chairperson of the Accommodation, Catering and Health Congressional Committee;
 - ii. coordinator of activities of the committee in close liaison with the relevant University offices.
- d) represent KUSA at meetings of the Student Welfare Committee of the Senate,
- e) Health Services Board and the Accommodation Services Board;
- f) liaise with the appropriate offices of the University for quality catering, accommodation and health services;
- g) with the approval of the SGC, communicate only with members and the line department concerning matters related to his/her committee;
- h) in consultation with the members of his/her respective committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office.

Article 39

The Secretary-General

- 1) There shall be a Secretary-General of the Kenyatta University Students' Association (KUSA) who shall be the Secretary of the Student Governing Council and KUSA.
- 2) The Secretary-General shall have authority and responsibility as provided for in this Constitution and in particular shall:
 - a) Pursuant of Article 9 and 10 issue notice of meetings and keep true, accurate records of the proceedings of every meeting of the AGM and SGM;
 - b) keep an accurate record of the proceedings of the meetings of the SGC and shall submit a copy of the minutes and any communication by the SGC to the Director Student Affairs;
 - c) serve as:
 - i. Chairperson of the Information and External Relations Congressional Committee and ensure the accurate and timely dissemination of information to KUSA and supervise all official publications;
 - ii. coordinator of activities of the committee in close liaison with the relevant University offices.
 - d) unless he/she is the subject of a disciplinary hearing, represent KUSA at the Student Disciplinary Committee of the Senate;
 - e) serve as the official spokesperson of KUSA, and communicate the SGC's decisions to the students and University Administration;
 - f) in the absence of the Chairperson, be a signatory to KUSA vote;
 - g) coordinate, prepare and disseminate official KUSA publications in liaison with the University Public Relations Manager;
 - h) regularly update the KUSA website in consultation with Online Communication Manager;
 - i) with the approval of the SGC, communicate only with members and the line department concerning matters related to his/her committee;

- j) in consultation with the members of his/her committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office.
- k) In consultation with and approval of the Vice-Chancellor, the Secretary -General may make public statements to the media and institutions outside the University.

Article 40

Treasurer

- 1) There shall be a Treasurer of the Kenyatta University Students' Association (KUSA).
- 2) The Treasurer shall have authority and responsibility as provided for in this Constitution and in particular shall-
 - a) Be in charge of the management of the finances of the Association;
 - b) keep in a businesslike and professional manner, true, accurate and timely records of the proceedings of every financial transaction of KUSA;
 - c) ensure that KUSA's books of accounts are in safe custody;
 - d) ensure every payment and expenditure is duly authorized;
 - e) be a mandatory signatory of the KUSA Vote at the University's Finance Department;
 - f) serve as
 - i. Chairperson of the Finance and Investment Congressional Committee;
 - ii. coordinator of activities of the committee in close liaison with the relevant University offices.
 - g) pursuant to article 67 (4) liaise with the Deputy Vice Chancellor Finance and Development and the University's Head of Procurement for the acquisition of KUSA's goods and services;
 - h) within twenty eight (28) days of assuming office, and in consultation with the Chairperson and Director Student Affairs, collate and harmonize committee budget proposals for incorporation into the global budget for discussion by Congress;
 - i) pursuant to Article 71 (2),avail KUSA's books of account to the University's Internal Auditor;
 - j) present audited financial statements to Congress at its last sitting before the AGM;
 - k) pursuant to Article 9, Section 3(c),present an audited financial report to the AGM;
 - l) serve as the custodian of KUSA's investments and assets;
 - m) preside over the Tuck Shop balloting and allocation of Pool Tables and shall submit reports to Congress on allottees and the proceeds in the sitting after;
 - n) with the approval of the SGC, communicate only with members and the line department concerning matters related to his/her committee;
 - o) in consultation with the members of his/her respective committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office.

Article 41

The Academic Secretary

- 1) There shall be an Academic Secretary of the Kenyatta University Students' Association (KUSA).
- 2) The Academic Secretary shall have authority and responsibility as provided for in this Constitution and in particular shall-
 - a) serve as

- i. Chairperson of the Academic, Library and Bookshop Congressional Committee;
 - ii. coordinator of activities of the committee in close liaison with the relevant University offices.
- b) liaise with relevant Congresspersons in addressing issues arising directly from the academic interest of the members;
- c) represent KUSA in selected meetings of the Senate, the Senate Executive, the Library Committee of the Senate and the Bookshop Committee of the Senate;
- d) unless he/she is the subject of a disciplinary hearing he/she shall represent KUSA at the Students Disciplinary Committee of the Senate;
- e) advocate for the provision of high quality academic facilities, resources and services for world-class academic programmes at the University;
- f) advocate for integrity, high academic standards among the members;
- g) promote awareness among the members regarding student related policies, procedures and regulation of the University;
- h) liaise with the office of the Director Student Affairs, in coordinating of the activities of academic clubs;
- i) liaise with the Registrar (Academic) in attending to students' academic issues;
- j) with the approval of the SGC, communicate only with members and the line department concerning matters related to his/her committee;
- k) in consultation with the members of his/her committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office.

Article 42

The Organizing Secretary for Social Welfare and Co-curricular Activities

- 1) There shall be an Organizing Secretary for Social Welfare and Co-curricular Activities of the Kenyatta University Students' Association (KUSA).
- 2) The Organizing Secretary for Social Welfare and Co-curricular Activities shall have authority and responsibility as provided for in this Constitution and in particular shall:
 - a) serve as
 - i. Chairperson of Social Welfare and Co-Curricular Activities Congressional Committee;
 - ii. coordinator of activities of the committee in close liaison with the relevant University offices.
 - b) coordinate proper organization of sports and games and provision of entertainment services;
 - c) represent KUSA at meetings of the Student Welfare Committee of the Senate;
 - d) liaise with the office of the Director, Student Affairs, in coordinating the activities of societies;
 - e) in the event of loss of a member, coordinate benevolence assistance to the bereaved family;
 - f) coordinate assistance to needy students as stipulated in the KUSA Financial policy;
 - g) with the approval of the SGC, communicate only with members and the line department concerning matters related to his/her committee;
 - h) in consultation with the members of his/her committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office.

Article 43

The Gender and Special Needs Secretary

- 1) There shall be a Gender and Special Needs Secretary of the Kenyatta University Students' Association (KUSA).
- 2) The Gender and Special Needs Secretary shall have authority and responsibility as provided for in this Constitution and in particular shall:
 - a) serve as
 - i. Chairperson of Gender and Special Needs Congressional Committee;
 - ii. coordinator of activities of the committee in close liaison with the relevant University offices.
 - b) promote gender equity in the University and liaise with Directorate of Gender and Equity in disseminating information among members about University's Gender and Sexual Harassment Policy, and other relevant policies;
 - c) supervise all KUSA activities directly related to gender, and in particular network with relevant organizations on gender issues;
 - d) work closely with the congress person for special needs in dealing with matters related to the welfare of members with special needs;
 - e) liaise with Directorate of Disability Services in disseminating of information and facilitating services available to persons with special needs;
 - f) identify and maintain records of students with disabilities in liaison with University management;
 - g) take part in University Committee formulating and implementing disability policies;
 - h) promote the integration of members with special needs in the University Community by advising KUSA and appropriate University organs on ways of implementing progressive national and international policies with regard to persons with special needs and organizing relevant special events;
 - i) liaise with the appropriate offices of the University in creating awareness on sexual and reproductive health and encouraging responsible sexual behaviour among members;
 - j) with the approval of the SGC, communicate only with members and the line department concerning matters related to his/her committee;
 - k) in consultation with the members of his/her respective committee, prepare realistic budget estimates for the year's activities within fourteen (14) days of assuming office.

Article 44

Liability of the Students' Governing Council

The members of the SGC may be held jointly or severally liable for negligence and mismanagement of the affairs of KUSA and especially its resources Article 45(2)(f), but they shall not be held liable for the misdeeds of individual members. Provided that they carry themselves responsibly, constitutionally and with dignity they shall not be victimized for discharging their official duties.

Article 45

Vacation of Office

- 1) A member of the SGC shall vacate office when he/she:
 - a) completes his/her term and a newly elected office bearer is inaugurated in accordance with the provisions of this Constitution
 - b) ceases to be a bona fide student of Kenyatta University;
 - c) resigns in a letter addressed to the Speaker of Congress;
 - d) receives a vote of no confidence in accordance with Article 13(6) and Article 23(2) and (3);
 - e) is suspended from the University;
 - f) calls off a semester or defers studies while in office.
- 2) A member may be compelled to vacate office if he/she:
 - a) is found guilty of violating this Constitution, the Universities Act, the University Charter, the University Statutes, Regulations, Joining Instructions, or the provisions contained in the Student information Handbook or any subsequent documents that shall revise/replace the aforementioned ones
 - b) has received more than one warning letter from the University for contravening the regulations governing student conduct as contained in its Statutes;
 - c) is convicted of a criminal offence by a court of law in the Republic of Kenya or any other nation;
 - d) is unable to execute the functions of his/her office by reason of infirmity of mind or body;
 - e) is absent without the prior written permission from the Speaker's for two consecutive sittings of Congress in a semester;
 - f) is found guilty of gross mismanagement of KUSA funds by the Constitution Oversight Committee.
 - g) If an office in SGC becomes vacant, the vacancy the deputy, the deputy shall assume office;
 - h) then the relevant Congressional Committee shall, by consensus or election, appoint one of its members to fill the vacancy if the office has no deputy.

CHAPTER SIX ELECTIONS

Article 46

General Principles

Ordinarily, KUSA elections shall take place during the first semester of each academic year, unless rescheduled, pursuant to Article 50 (5,6,7).

- 1) The KUSA elections shall be conducted either by manual voting, E-voting or a blend of both modes as shall be determined by the KUSA Electoral Commission
- 2) The electoral system of KUSA shall be based on the right of eligible ordinary members to vote, stand for election, and hold office in a manner that allows for the practical and effective functioning of KUSA.
- 3) Election shall be free, fair, and credible conducted by secret ballot.
- 4) Election of members of SGC shall be by the mode of Electoral College.
- 5) Election of members of Congress shall be by individual members of the congressional entity.
- 6) Pursuant to Section 41(3) of the Universities Act (as amended 2016)-
 - a) not more than two-thirds of the KUSA SGC shall be of the same gender;
 - b) membership of the SGC shall reflect national diversity.
- 7) The KUSA Electoral Commission shall have the power to formulate rules and regulations for the proper conduct of elections and the implementation of this Chapter.
- 8) If only one candidate or team has been nominated for a congressional position or SGC, that candidate or team shall be declared elected unopposed at the end of the election period.

Article 47

Election of KUSA Officials

The election of KUSA officials shall be conducted according to the provisions of this Constitution and the KUSA Electoral Commission's rules and regulations governing elections.

Article 48

Establishment and Composition of the KUSA Electoral Commission.

- 1) There shall nineteen (19) members of the KUSA Electoral Commission according to the enumeration given below.
- 2) One month before the beginning of the semester of elections, the Vice-Chancellor shall appoint nine (9) permanent members of the Electoral Commission, who shall be members of staff, as follows—
 - a) a Chairperson of the Electoral Commission, whom the Vice-Chancellor shall appoint from among the members in (h) of this Section;
 - b) a Vice-Chairperson of the Electoral Commission, whom the Vice-Chancellor shall appoint from among the members in (h) of this Section shall be of the opposite gender;
 - c) the Director, Student Affairs, who shall be responsible for the administrative and financial matters of the Commission;
 - d) a staff member from the office of the Director, Student Affairs, who will serve as secretary to the Commission. The Directorate of Student Affairs shall provide the secretariat;
 - e) a staff member from the office of the Registrar Academic;

- f) a University Legal Officer;
 - g) a Chaplain/ Imam of the University;
 - h) three (3) faculty members of whom, not more than two thirds shall be of the same gender;
 - i) the University's Director of Security.
- 3) Permanent members of the Electoral Commission shall remain in office between elections.
 - 4) The Vice-Chancellor may replace permanent members.
 - 5) In the first week of the semester of election, the Vice-Chancellor shall appoint ten (10) students known for their integrity who will serve as interim members of the Commission for one term as follows:—
 - a) two members, one from either gender, nominated from different clubs by the Director Student Affairs;
 - b) four members nominated by the four chaplaincies, each of which shall annually alternate its appointment on the basis of gender;
 - c) three final year members, nominated by the SGC members in their final year of study in accordance with Article 34 (6), one of whom shall be a law student and at least one of whom shall be of the opposite gender;
 - d) one member nominated by and from among the members of the Kenyatta University Disability Students Association (KUDSA), which shall annually alternate its appointment on the basis of gender.

Article 49

Ineligibility for nomination to the Electoral Commission

Members who have previously served in Congress or the SGC shall be ineligible for appointment to the Electoral Commission. Members who are not within the normal time frame for completion of the programme of study selected at the time of initial registration shall be ineligible for appointment to the Electoral Commission;

Article 50

Authority and Responsibilities of the Electoral Commission

- 1) Subject to the provisions of this Constitution, the Electoral Commission shall—
 - a) conduct and supervise KUSA elections;
 - b) promote free, fair and credible elections;
 - c) determine the dates for the submission of applications for candidacy and election;
 - d) in cases of physical voting, supervise the preparation of the voter register, ballot papers, ballot boxes, and the designation and preparation of polling stations;
 - e) In the case of E-voting, supervise the preparation of the voter register, ballot papers, the dry run of the E-voting system, vote transmission and the tallying system
 - f) Conduct voter education on the various aspects of the electoral process,
 - g) prepare the budget for the elections;
 - h) with the exception of students, appoint any other appropriate person(s) to assist in the elections;
 - i) request that the Student Finance Department officially verify payment of university fees and registration of aspirants;
 - j) pursuant to Articles 16, 17, 31 and 32 request that the Registrar Academic to officially verify the academic status of aspirants;

- k) verify all nominations for candidates and teams according to the procedures it shall establish in the Election Code, which the Commission shall revise as the need arises;
 - l) prepare and post a list of candidates and teams cleared, for election and a list of applicants disqualified for candidacy with the reason(s) for their disqualification;
 - m) conduct a one-day seminar for cleared candidates and teams to familiarize themselves with the University's Statutes, Regulations, Joining Instructions, this Constitution, the current Student Handbook or any subsequent student guides that shall replace it, and the Election code
 - n) regulate campaigning;
 - o) provide a voting procedure that is understandable and precise;
 - p) in cases of physical voting, ensure that the results of the voting are announced by the returning officer at each polling station;
 - q) In the case of E-voting, ensure that the results of the voting are announced by the returning officer at each congressional entity tallying center.
 - r) conduct the elections for Hall Congresspersons, Non-resident Congresspersons, Sports Congressperson, Special Needs Congressperson, International Students Congressperson, and the Campus Representatives and Congresspersons on a date before that scheduled for the elections of the School Congresspersons and the SGC.
- 2) The Electoral Commission shall have the power to warn individual candidates and/or teams of disqualification and/or to disqualify them for violation of the Electoral Code as established by this Constitution and the Commission.
 - 3) A candidate or team who/which is disqualified shall be at liberty to make a written appeal to the Electoral Commission which will hear and determine the case.
 - 4) A decision by the Electoral Commission to disqualify any candidate and/or team(s) shall be final and binding.
 - 5) The Electoral Commission shall take any other action it deems necessary to ensure that the elections are transparent, fair, peaceful, and credible.
 - 6) In determining the timetable for the elections, the Electoral Commission shall, in consultation with the Senate, consider issues of public order, prevailing circumstances and security at the University and national levels.
 - 7) When necessary, the Electoral Commission shall recommend to Senate the rescheduling or suspension of the election.
 - 8) The Senate may, upon the recommendation of the Electoral Commission reschedule or suspend the elections under this Article.
 - 9) Upon suspension or rescheduling of elections, members of the Congress shall remain in office and serve another term notwithstanding the provision of Article 17(j) and 32 (j).

Article 51

Election Procedure

1) Preliminary process

In the third week of the first semester, the Electoral Commission shall—

- a) establish the timetable for the electoral process which should be completed by the end of the seventh week of the semester;
- b) declare all positions open for contest;
- c) announce the dates of elections;
- d) call for the submission of nomination forms and receive them;

- e) vet aspiring candidates and teams and, pursuant to Articles 16, 17, 31 and 32, and verify their nominators;
- f) prepare and post visibly and at numerous locations and/ or electronic platforms, the list of cleared and disqualified candidates and teams.

2) Non-School Congressional Elections

Elections for Hall Congresspersons, Non-resident Congresspersons, Sports Congressperson, Special Needs Congressperson, International Students Congressperson, and the Campus Representatives and Congresspersons shall ordinarily be held within seven days before the election of the School Congresspersons and delegates of the Electoral College.

3) The Electoral College

a) Role

- i There shall be constituted an Electoral College
- ii The Electoral College shall elect members to the Student Governing Council (SGC).
- iii The SGC election shall be held on a day after the School elections
- iv The Electoral College shall stand dissolved after the swearing in of the SGC

b) Composition

The Electoral College shall consist of three delegates from each school as follows:

- i the elected School Congresspersons will be automatic delegates;
- ii two delegates, one male and one female, elected by the members of the school for a school with one elected congressperson

OR

One delegate, of either gender elected by all the members of the school for a school with two elected congresspersons

c) Qualifications of a delegate

For a member to qualify for election as a delegate to the Electoral College, he/she should;

- i be a *bona fide* student of Kenyatta University;
- ii be a member of the specific Congressional entity;
- iii have completed at least two semesters having done a minimum of twelve units;
- iv have, based on the available grades in the transcripts, an average grade of C in the programme being undertaken, or a grade of "Pass" where applicable;
- v have at least two (2) semesters left for study inclusive of the semester of election;
- vi with a minimum of ten (10) units, be within the normal time frame for completion of the current programme of study, taking into account any earlier period of study spent in any other programme(s) at Kenyatta University
- vii not have served in any previous SGC or Congress;
- viii not have been found guilty of any offence by the SDC;
- ix not be a candidate for any other elective position in KUSA in the same year;
- x not be a former or current holder of an elective position either at County Assembly or at the National or Senate Assembly;
- xi be known for his/her high integrity.

d) Disqualification of a delegate

- i A delegate who is already elected shall be disqualified if he/she is found to be involved in any form of electoral malpractice including taking bribes and colluding with other delegates to vote for a specific team.
- ii If a delegate is disqualified, the immediate runners-up of the same gender shall replace him/her (refer to Article 51(3)(b)(ii)).
- iii If the disqualified delegate is from a school that is eligible to elect only one delegate, the immediate runners-up shall replace him/her regardless of gender (refer to Article 51(3)(b)(iii)).
- iv If the disqualified delegate was unopposed, the Electoral Commission shall immediately declare the position vacant.

e) Briefing of the delegates

The Electoral Commission shall convene a delegates meeting either virtually or at a venue to be decided upon by the Electoral Commission a day before the SGC elections so as to brief them on the election procedures.

f) Terms for delegates

Delegates shall:

- i. receive a one-off remuneration after completion of the elections as determined and recommended by the KUSA Electoral Commission and approved by Management;
- ii. be awarded a certificate, upon successful completion of the electoral process, signed by the DVC Academic, Chairman of KUSA Electoral Commission and the Director Student Affairs;

4) Election of the SGC

Election to the SGC shall be on the basis of a single ticket for a team for all positions defined in Article 30. A team shall satisfy the following conditions:

- a) have an aspirant for each of the seven offices of the SGC;
- b) be nominated by Two thousand five hundred (2500) members from at least 70% of the Schools, with at least one hundred and fifty (150) nominators per School. The nominations shall be verified in strict conformity with Article 51 (1,e);
- c) not have more than one aspirant hailing from the same Administrative Region of Kenya
(Coast, Central, Eastern, North Eastern, Nairobi, Nyanza, Western and Rift Valley);
- d) not have more than one aspirant from the same ethnic extraction;
- e) have not more than two thirds of aspirants being of the same gender;
- f) have a unique identity/symbol/name submitted for clearance by the KUSA Electoral Commission.

5) Election Regulations and Procedures

- a) A candidate or a team may withdraw his/her/its candidature by submitting a signed statement of withdrawal to the KUSA Electoral Commission within seventy-two (72) hours of nomination.

- b) A candidate or team should nominate one polling agent per polling station who shall physically witness the election process and thereafter sign the results declaration form.
- c) A candidate or a team shall not be denied access to the polling station.
- d) In the event of e-voting, a candidate or a polling agent who accesses the polling station during live streaming of results will not be allowed out of the polling station until the results are announced.
- e) A candidate for a congressional entity shall be declared the winner upon garnering the highest number of votes cast.
- f) A team shall be declared the winner upon garnering fifty percent (50%) plus one (1) vote of the total delegate votes. If this is not satisfied, there shall be an immediate rerun of the top two teams and the winner decided by a simple majority.
- g) The Chairperson of the Electoral Commission shall release all election results and post them visibly and at numerous locations within the University and/ or electronic platforms within twenty four (24) hours after the announcement of SGC results.
- h) The Vice-Chancellor shall officially notify the University community of the election of the elected SGC and Congress.

6) Elections of CEP and DSVOL Representatives and Congresspersons

- a) The CEP Representatives and Congresspersons shall ordinarily be elected during their first session in the academic year
- b) The DSVOL Congresspersons shall ordinarily be elected during their first semester in the academic year

Article 52

Spoilt Votes

- 1) A spoilt vote is a ballot that contravenes the ballot instructions as indicated on the ballot.
- 2) During the counting of ballot papers, a spoilt vote shall not be included in a candidate's tally.

Article 53

Election Offenses

- 1) The Electoral Commission shall disqualify a candidate or team from election for any of the following offenses committed either by a candidate or team or systematically carried out by his/her election team:
 - a) rigging;
 - b) use of physical force;
 - c) abuse of social media in whatever form;
 - d) intimidation and harassment;
 - e) sorcery and magic;
 - f) bribery;
 - g) giving false or malicious information;
 - h) mounting campaign posters for any candidate or team outside places designated for such posters;
 - i) verbal abuse;
 - j) foul language;

- k) slurs based on ethnicity, religion, gender, mode of study (i.e., SSP, KUCCPS, IBP, open learning), or year of study;
 - l) drunkenness and rowdiness;
 - m) unauthorized vehicular processions inside of campus;
 - n) campaigning outside the official campaign period;
 - o) provocative and incendiary attacks on the Statutes, Regulations, and policies of the University;
 - p) defamation of any member of university community;
 - q) receipt of funding or any other support from political parties or any other interest groups from outside the University student community.
 - r) Hacking of E-voting System
- 2) If the Electoral Commission convicts a winning candidate or team of an election offense, then it shall declare the candidate or team with the next highest number of votes to be the winner.

Article 54

By-Elections

If a congressional seat becomes vacant, the Speaker shall, within seven days of the vacancy, notify the Chairperson of the Electoral Commission who shall arrange a by-election.

Article 55

(A) Rerun of Elections

If the leading congressional candidates in an election tie in the vote tally, the Chairperson of the Electoral Commission shall declare a rerun of the election between the leading candidates and supervise the rerun within five (5) working days after the announcement of the election results.

- 1) If the leading teams in an election tie in the vote tally, the Chairperson of the Electoral Commission shall declare a rerun of the election between the teams and supervise the rerun the same day after announcement of the election results. If after the third round of voting, the tie persists it shall be broken as follows:
- a) The team with the highest cumulative sum of votes from the three elections shall be declared the winner.
 - b) In the event that there is a tie in all the three elections, delegates from each school would vote independently at school level and their majority vote would represent a single vote.

NOTE: In the event that a school has only two delegates in the college, the delegate with the highest votes would represent the vote of the school.

If the Electoral Commission nullifies an election, the Chairperson of the Electoral Commission shall declare a rerun of the election and set a date for the rerun.

(B) Elections necessitated by exceptional circumstances

In the event of exceptional circumstances, the Electoral Commission shall arrange for an election outside the timetable stipulated in Article 51(1)(a). When necessary, the Electoral Commission shall recommend to Senate to approve the arrangement for an election outside the timetable as stipulated in this constitution.

Article 56

Discharge from office of Interim Members of the Electoral Commission

- 1) If there is no petition filed against the election results, the Chairperson of the Electoral Commission shall discharge from office the interim members of the Commission and submit the election returns to the Vice-Chancellor.

Article 57

Election Petitions

1) Elections Appeals Committee

Seven working days before the day set for the election of hall, non-resident, the Sports, Special Needs and the Campus Congresspersons and Representatives, the Vice-Chancellor shall constitute the Elections Appeals Committee which shall consist of:

- a) the Registrar (Academic) who shall serve as chairperson;
- b) two members of the faculty, a female and a male, who shall be named by the Vice-Chancellor;
- c) one member of the office of the Director Student Affairs, named by the Director and who will serve as the Secretary to the Committee;
- d) a Chaplain/ Imam of the University named by the Vice-Chancellor;
- e) a senior security officer named by the Director Security Services;
- f) pursuant to Article 34, (6), two (2) members, a female and male, who are finalists and nominated by the final year SGC members.

2) Functions of the Elections Appeals Committee

The Elections Appeals Committee shall have the authority and responsibility provided for in this Constitution and in particular shall:—

- a) formulate rules and regulations for the proper conduct of its business and the procedures of elections appeals;
 - b) receive petitions, uphold or nullify the contested vote
 - c) within seventy-two (72) hours of the announcement of the election results, receive any written petition against the election results addressed to the Chairperson, Election Appeals Committee;
 - d) receive evidence relevant to a petition;
 - e) within twenty one (21) days, forward a written notification of its judgment to the KUSA Electoral Commission.
 - f) If a petition is successful, the Electoral Commission shall prepare an election rerun.
 - g) If a petition fails then the election results shall be upheld
 - h) Rulings of the Elections Appeals Committee shall be final and binding.
- 3) If the Election Appeals Committee does not receive any petition against the elections results within the seventy-two (72) hours prescribed for appeals, then the Committee stands dissolved.

Article 58

Transition

- 1) Pursuant to Article 28, the SGC shall carry out the constitutional duties necessary for the proper functioning of KUSA in the period between dissolution of Congress and the inauguration of the newly elected SGC.

- 2) The outgoing members of the SGC (including the Speaker of Congress) shall prepare and present written detailed reports of their Committees and docket files to the Transition Committee for clearance before the inauguration of the newly elected SGC.
- 3) Within three (3) days, after the Electoral Commission's announcement of the election results, the Director, Student Affairs shall convene the Transition Committee to supervise the handing over by the outgoing members of the SGC to the incoming members.
- 4) The Transition Committee shall consist of:—
 - a) the Director, Student Affairs who shall be the Chairperson;
 - b) A representative of the Registrar (Academic);
 - c) Director, Security Services;
 - d) University Legal Officer;
 - e) Chaplain/ Imam
 - f) An Administrator from the office of the Director Student Affairs who will serve as the Secretary to the Committee.
- 5) Within seven (7) days after the Electoral Commission's announcement of the election results, the Vice-Chancellor shall inaugurate the newly elected members of the SGC into office in a public ceremony held within the University.
- 6) During the inauguration ceremony for newly elected members of the SGC, the outgoing members of the SGC shall officially hand over the instruments of office to their newly elected members of the SGC.
- 7) The newly elected SGC and Congress shall undergo a detailed induction seminar to familiarize them with their responsibilities and the University systems.

CHAPTER SEVEN

THE CONSTITUTIONAL OVERSIGHT COMMITTEE

Article 59

Establishment of the Committee

There is established a KUSA Constitutional Oversight Committee (COC).

Article 60

Composition of the Committee

The Committee shall consist of the following persons appointed by the Vice- Chancellor;

- a) a chairperson appointed from (e) below;
 - b) a University Chaplain/ Imam of the University;
 - c) the Director Student Affairs, who shall be the Secretary to the Committee;
 - d) a University Legal Officer;
 - e) two faculty members being of opposite gender;
 - f) two students, being of opposite gender, in at least their third year of study, one of whom shall be a law student.
 - g) a secretariat from the Directorate of Student Affairs
- 1) Members of the Committee listed in Article 60 (1):
- i. (a) shall serve for a term of one year renewable once;
 - ii. (b), (c) and (d) shall remain in office at the pleasure of the Vice-Chancellor;
 - (e) shall serve for a term of one year which is renewable once; iv. (f) shall be replaced by the Vice-Chancellor at the end of every term and shall not be eligible for reappointment.

Article 61

Authority of the Committee

1) The Committee shall have powers to—

- a) hear any questions with respect to the interpretation of this Constitution including the determination of—
 - i. whether any policy or by-law made by Congress is inconsistent with or in contravention of this Constitution;
 - ii. whether any action by Congress or the SGC or any individual member thereof is in contravention of this Constitution.
- b) as may be appropriate, conduct investigations into circumstances leading to vacation of office under this Constitution, and where appropriate after investigations-
 - i. call the office holder under investigation to appear before the Committee and make representations on his/her own behalf;
 - ii. make decisions on vacation of office that shall be final;
 - iii. declare any such seat held by such a member vacant and communicate such verdict to the Speaker who shall subsequently communicate to the Congress;
 - iv. make recommendations to the Vice-Chancellor regarding appropriate disciplinary action by the University.
- c) oversee the implementation of the Constitution and, in this regard, shall receive regular reports from the Speaker of Congress on steps taken towards implementation of the provisions of this Constitution including prompt reports of all policies and by-laws passed by Congress to give effect to the provisions of this Constitution.

Article 62

Petitions to the Committee

Any ordinary member of KUSA is entitled to petition the Committee in line with and in giving effect to the powers of the COC as set out in Article 61.

Article 63

Mandate of the Committee

At all times, in the execution of its mandate, the Committee shall be guided by this Constitution, the University Statutes, the Universities Amendment Act (2016), and the laws of the Republic of Kenya.

Article 64

Interpretation of this Constitution

- 1) Every provision of this constitution shall be construed according to the doctrine of interpretation that the Law is always speaking and adopt the interpretation that most favor its enforcement with due regard to the laws of the Republic of Kenya and the explicit and implicit powers given to Kenyatta University in the Universities Act, this Constitution draws its authority from the members of the Kenyatta University Student Association.
- 2) This Constitution shall be interpreted in a manner that:
 - a) promotes the intent of this Constitution as stated in the Preamble;
 - b) enables members to reach the aims and objectives of KUSA as stated in Article 3;
 - c) encourages the creative and responsible development of students;
 - d) avoids technicalities that defeat the purpose of this Constitution.

CHAPTER EIGHT

FINANCE AND INVESTMENTS

Article 65

Sources of Finance

The funds of KUSA shall be derived from:

- a) KUSA membership and subscription fees as provided for in this Constitution;
- b) revenue earned from income generating activities;
- c) fundraising and donations;
- d) any other sources proposed by Congress and subject to approval by the University Management.

Article 66

Collection of Revenue

- 1) KUSA funds shall be collected and transferred to the KUSA Vote in University's Finance Department in the manner prescribed by the University Management.
- 2) the KUSA membership fees shall be paid once, at the time of initial registration.
- 3) the subscription fees shall be paid at every subsequent registration.

Article 67

Expenditure

- 1) All monies received for the purpose of KUSA shall be spent for the benefit of KUSA according to the recommendations of Congress and the approval of the University Management.
- 2) As need arises, the Chairperson and the Treasurer will make financial requests through the Director Student Affairs, for expenditures according to KUSA Policy and approved budget proposals.
- 3) In case of an emergency, the SGC may, in consultation with the Director, Student Affairs, and the approval of the DVC (Finance and Development), and/or Vice-Chancellor's, authorize an expenditure not provided for in the approved budget.
- 4) All procurement of goods and services for KUSA shall be done according to Official University tendering and procurement procedures with the advice of the University Head of Procurement.

Article 68

Financial Benefit to Office Bearers

Subject to Sections (2,3) of this Article, the SGC and Congress, in consultation with the University Management, shall determine financial allowances and benefits paid to office bearers, depending upon which organ of KUSA is affected by this decision, and provided that—

- a) such a determination shall not be to the disadvantage of incoming office bearers;
 - b) such a determination shall be based upon evidence of KUSA's sustained increase in income.
- 1) The financial allowances and benefits for office bearers shall not take effect during the term of those office bearers who determined and adopt them.
 - 2) Subject to the limitations provided for in this Section, financial benefits and allowances will be determined as contained in KUSA Financial Policy.

Article 69

Signatories to the KUSA Vote

The signatories to the KUSA vote shall be—

- a) the Treasurer - mandatory;
- b) the Director Student Affairs - mandatory;
- c) the Chairperson or in his/her absence - the Secretary-General.

Article 70

Books of Accounts

- 1) KUSA shall maintain proper books of accounts that shall be made available for audit.
- 2) KUSA's accounts shall be audited by the University's Internal Auditor four (4) weeks before the AGM.
- 3) The audited accounts shall be made public after approval by Congress and not later than seven (7) calendar days before the AGM.

Article 71

Management of KUSA Funds

Other regulations governing the management of KUSA funds shall be contained in KUSA Financial Policy.

CHAPTER NINE

MISCELLANEOUS

Article 72

By-laws and Policies

- 1) Subject to this Constitution, the SGC shall prepare the by-laws and policies governing the functions of KUSA and submit them to the Congress for discussion.
- 2) Any member of the Congress may propose a by-law or policy that shall be submitted to the relevant Congressional Committee for discussion and then, if approved by that committee, tabled in Congress.
- 3) Any member of the Congress may propose amendments to existing by-laws, policies, and the various Schedules annexed to this Constitution, and submit such amendments according to the process detailed in (2) of this Article.
- 4) By-laws and policies passed by the Congress shall be referred to the COC for approval.
- 5) By-laws and policies approved by COC shall be binding on all members of KUSA and violators of these by-laws and policies shall be subject to the disciplinary measures provided for in this Constitution.

Article 73

Review of this Constitution

- 1) On the advice of the University Senate, the Vice-Chancellor shall appoint a committee of faculty, staff, and students to review this Constitution and propose amendments to it.
- 2) With the approval of the University's Senate, this Constitution can be subject to a process of review and revision if three-fourths of the members of the Congress vote for such a resolution.
- 3) To amend this Constitution, three-fourths of the members of the Congress must vote for the amendment and the University Senate must approve it.

Article 74

Discipline

- 1) In addition to compliance with the University Statutes, Regulations, Joining Instructions, and the provisions contained in the current *Student Handbook* or any subsequent documents that shall replace it, discipline shall, for the purposes of this Constitution, also mean compliance with the provisions and spirit of this Constitution, the by-laws and policies established by Congress, and specific directives of the University Administration.
- 2) In consultation with the Director, Student Affairs, the SGC shall enforce discipline among KUSA members in the conduct of KUSA's affairs and operations.

Article 75

Dissolution of KUSA

- 1) After a Special General Meeting called to discuss dissolution, KUSA can be dissolved through a referendum in which not less than 90% of the members shall vote for dissolution.
- 2) If KUSA is dissolved, the assets shall be used to pay KUSA's creditors and the remaining assets shall be handed over to the Kenyatta University Council through the Vice -Chancellor.

Article 76

Board of Trustees

- 1) The Board of Trustees shall be appointed by the Vice-Chancellor and shall consist of:
 - a) the DVC Academic;
 - b) the University's Chief Finance Officer;
 - c) the University's Legal Officer;
 - d) the Director, Student Affairs;
 - e) a Chaplain/Imam of the University.
- 2) the Board of Trustees, Pursuant to Article 76 (2) shall:
 - a) review KUSA's assets;
 - b) pay KUSA's creditors;
 - c) hand over the remaining assets to the Kenyatta University Council through the Vice - Chancellor.

SCHEDULE

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

The transitional and consequential provisions set out herein shall take effect on the effective date.

Effective Date

1. This Constitution shall come into force on the first day of the Academic Year following the approval by Senate

Repeal of previous Constitution

2. The Constitution in force before the effective date shall stand repealed on the effective date subject to the provisions of this Schedule.

Existing Laws

3. All by-laws and policies in force before the effective date continues to be in force and shall be construed with the alterations, adaptations, qualifications, and exceptions necessary to bring it into conformity with this Constitution.

Existing offices

4. Unless this Schedule provides otherwise, a person who, before the effective date, held or was acting in an office established under the former Constitution shall on the effective date continue to hold or act in that office under this Constitution for the unexpired period, if any, of the term of the person provided he/she is still a *bona fide* student.
5. A member who has held office for two terms shall not be eligible for re-election to the SGC or to the Congress.

Establishment of a Caretaker Board

6. Pursuant to Article 5 of this Constitution, and as provided for under Article 34(5), when in the course of the term of office holding all members of SGC have ceased to be members of Kenyatta University, by any reason:
 - i. There shall be established a caretaker board to be known as the KUSA Caretaker Board as per this constitution.
 - ii. In the course of the term of office holding, all members of SGC and Congress cease to be members of Kenyatta University for whatever reason, the KUSA Caretaker Board shall consist of members nominated from the four chaplaincies and one member nominated by the Director Student Affairs shall be responsible for the running of the affairs of KUSA in consultation with the Director Students Affairs.

Oath of allegiance to this Constitution

7. On the effective date, members of the SGC and Congress or such other member who had taken and subscribed an oath or affirmation of office under the former Constitution shall take and subscribe to the appropriate oath or affirmation under this Constitution.