

LEGAL NOTICE NO. 226

THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)

CHARTER FOR THE MAASAI MARA UNIVERSITY

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

SCHEDULE

THE UNIVERSITIES ACT, 2012

THE MAASAI MARA UNIVERSITY

PREAMBLE

WHEREAS the Government of Kenya wishes to establish The Maasai Mara University situated in Narok County, in the Republic of Kenya;

AND WHEREAS the said "The Maasai Mara University" has applied to the Commission for University Education, for grant of Charter to provide for the establishment, control, governance and administration of the University and for connected purposes, in the manner prescribed by the Universities Act.

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

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

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

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

AND WHEREAS I am satisfied that the granting of the charter will be of benefit to the advancement of University education in Kenya;

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

THE CHARTER OF THE MAASAI MARA UNIVERSITY

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PART I—PRELIMINARY

1. This Charter may be cited as The Maasai Mara University Charter, 2013.

Short Title.

2. In this Charter, unless the context requires otherwise:

Interpretation.

“Academic Staff” means a member of staff of the University, who is a Professor, an Associate Professor, a Senior Lecturer, a Lecturer, an Assistant Lecturer and such other persons in the employment of the University engaged in teaching or research therein as Council, acting in accordance with the recommendation of Senate, may from time to time grant the status of members of the university;

“Act” Means the Universities Act, No 42 of 2012;

“Administrative Staff” means a member of staff of the University, who is appointed for general purposes of performing duties related to general management and administration of the University as shall be specified in the Statutes;

“Alumni” means a person who is a former student of the University, or The NafoK University College who completed an approved programme of study and qualified for the award of a Degree, Diploma or Certificate;

“Alumni Association” means the organization of all graduates and former students of the University; as defined in clause 25 of the Charter

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

“Campus” means a place of education, learning or research which is so designated by Council

“Centre” means a research department which from administrative purposes has been designated by the Council as being constituted within a particular faculty, institute or school.

“Chairman” means the Chairman of Council of the University appointed under section 13 of the charter;

“Chancellor” means the Chancellor of the University as appointed under section 12 of the charter;

“College” means a College established within the University pursuant to an Order made under Section 7; but does not include a Constituent College;

“Constituent College” means a Constituent College of the University established under clause 8 of this Charter;

“Commission” means the Commission for University Education, established under the Act

“Convocation” means the convocation of the University established under Section 22;

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

“Deputy Vice Chancellor” means the Deputy Vice Chancellor appointed by the Council of the University under Section 15;

“Director” means the person appointed by the Council to be designated as a director in the University;

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

“Fiscal Year” means the financial year of the University as provided for in Section 27;

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

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

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

“Librarian” means the person appointed to be the librarian of the university

“Professor” means a professor of the University

“Registrar” means a registrar of the University appointed by the Council

“Regulations” means regulations made by the senate pursuant to this charter and the Statutes

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

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

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

“Student” means a person registered by the University for the purposes of receiving instructions in a particular area of study with a view to obtaining a qualification of the University or any other person who is determined by the Senate to be a student;

“Students Association” means an association of the students recognized by the Council as being an organization representative of the students of the University and as provided by section 24 of the Charter;

“Support Staff” means a member of staff of the University who is appointed for purposes of providing support services for the general

management and administration of the University as shall be specified in the Statutes;

“Teaching Staff” means a member of staff of the University who is in terms of appointment as, a lecturer of the University;

“Technical Staff” means a member of staff of the University who is appointed to conduct general clerical, laboratory and field courses, and assist in the conduct of lectures, examinations and research of the University;

“University” means The Maasai Mara University established under Section 3;

“University Management Board” means the University Management Board of the University provided by Section 21 of the Charter;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under Section 14 of the Charter.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. (1) There is hereby established a University to be known as The Maasai Mara University.

Establishment and Incorporation of The Maasai Mara University.

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

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

(3) The Maasai Mara University shall be the successor to the Narok University College constituted under the Narok University College Order, (Legal Notice NO.101. of 2008).

(4) All rights, liabilities and assets held by anybody on behalf of the Narok University College, existing at the commencement of this Charter, shall be automatically and fully transferred to The Maasai Mara University.

4. (1) Vision- to be a world class university committed to academic excellence for development

Vision, Mission and Core Values.

(2) Mission – to provide quality university education through innovative teaching, research and consultancy services for development

(3) Core Values- excellence, teamwork, professionalism, equity and social justice, creativity and innovativeness, transparency and accountability

Philosophy.

5. The Maasai Mara University will endeavour to be a world class university committed to academic excellence, through teaching, research, innovation, extension and technology transfer in order to promote social, economic and political development of Kenya and beyond and to realize sustainable conservation of the environment through natural resource management and tourism.

Functions.

6. (1) The objects and functions of the University shall be to—

- (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for technological, professional, and scientific education;
- (b) advance knowledge and its practical application by research and other means;
- (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
- (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contribute to industrial and technological development of society in collaboration with industry and other organizations;
- (f) make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
- (g) make proposals for the establishment of campuses, colleges, faculties, schools, institutes, departments, and other resource and administrative units as may be appropriate;
- (h) inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
- (i) promote education in science, technology, engineering, and mathematics within the institution and society;
- (j) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (k) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of

- prior learning and flexibility of transition between educational levels;
- (l) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
 - (m) play a leading role in the development and expansion of opportunities for technological and vocational education and training;
 - (n) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
 - (o) facilitate student mobility between programmes of study at different technical training institutions, polytechnics, and universities;
 - (p) promote critical enquiry and creativity in education, training and research within the institution;
 - (q) participate in commercial ventures and activities that promote the objectives of the institution;
 - (r) foster the general welfare of staff and students;
 - (s) provide opportunities for development and further training for staff of the institution;
 - (t) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
 - (u) provide programmes, products, and services in ways that reflect the principles of equity and social justice;
 - (v) conduct examinations for, and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;
 - (w) generally facilitate the development and provision of appropriate and accessible academic and other programmes.

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

Establishment of Colleges within the University.

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

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

Establishment of Constituent Colleges.

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

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

9. (1) Subject to the Act and this Charter, the University may:

- (a) grant Diplomas or Certificates or other awards
- (b) confer the degrees of Bachelor, Master and Doctor and such other degrees as may be provided for by the Statutes; and
- (c) Confer honorary degrees or any other academic distinction to a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavour worthy of such a degree or academic distinction.

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

Award of Scholarships.

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

PART III—MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

Membership of the University.

11. The members of the University shall be:-

- (a) the Chancellor;
- (b) the Chairman of Council;
- (c) the members of the Council;
- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellors;
- (f) the Principals of Constituent Colleges;
- (g) the Principals of Colleges within the University;
- (h) the members of the Senate;
- (i) the Librarian;
- (j) the Academic staff;

- (k) non teaching members of staff of the University
- (l) the Students;
- (m) members of the alumni association
- (n) the Registrars;
- (o) the Finance Officer;
- (p) the Dean of Students;
- (q) the Director ICT Services;
- (r) the Legal Counsel;
- (s) the Chief Medical Officer;
- (t) the Convocation; and
- (u) such other members of staff of the University or any other body formally admitted into association with the University, as the Council may from time to time determine.

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

The
Chancellor.

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

Chairman of
Council.

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

14. (1) There shall be a Vice-Chancellor of the University who shall be appointed according to the provisions of the Act.

Vice-
Chancellor.

(2) The Vice-Chancellor shall be the Chief Executive of the University and as further provided for in the Charter and shall—

- (a) be the academic and administrative head of the University;
- (b) have overall responsibility for the good and proper management of the University; and
- (c) have such powers and duties as may be provided for by the Statutes.

(3) The Vice-Chancellor shall hold office upon such terms as provided for in the Charter and the Statutes and upon expiration of that period shall be eligible for re-appointment for a further one term.

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

The Deputy
Vice-
Chancellors.

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

The
Principals of
Colleges
within the
University.

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

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

Principals of
Constituent
Colleges.

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

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

The Council.

18. (1) There shall be a Council of the University appointed in accordance with the provisions of the Act, which shall consist of—

- (a) the Chairman of Council who shall be the Chairman of Council;
- (b) the Vice-Chairperson;
- (c) the Vice-Chancellor who shall be the secretary to the Council and an ex-officio member; and
- (d) other members as may be provided for by the Act.

(2) Subject to this Section, a member of the Council, other than an ex-officio member, shall hold office for a period of three years, but shall be eligible for re-appointment.

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

- (a) if, not being an ex-officio member, the member resigns his/her office by writing under his/her hand addressed to the Vice-Chancellor;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of her/his office;
- (c) upon death of the member.

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

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

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

(7) The Council shall exercise prudent leadership, innovative

enterprise, and good judgment in directing the University and shall always Charter in the best interest of the University.

19. (1) Subject to this Charter, the Council shall be the governing body of the University through which the University—

Functions of
Council.

- (a) subject to the provisions of the Act and after consultation with the Senate, to make regulations;
- (b) to make and approve Statutes for gazette in accordance with the Act;
- (c) to determine the method of recruitment, appointment and promotion of all staff of the University;
- (d) to appoint and determine the terms and conditions of service for all staff of the University;
- (e) to confer after receiving a report from the Senate, the title of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;
- (f) to approve the budget;
- (g) to promote and to make financial provisions and facilities for execution of the functions of the University;
- (h) to determine, after considering the recommendations of the Senate, all fees payable to the University;
- (i) to approve the investment of any money belonging to the University including any unutilized income, in such stocks, funds, fully paid shares or securities as Council may from time to time deem fit, in accordance with the general law for the investment of trust moneys or in the purchase of freehold or leasehold properties, including rents and subject to the Act with the powers of varying such investment from time to time by sale or re-investment or otherwise;
- (j) subject to the laid down government procedures to approve sale, purchase, exchange, lease, or take on, lease movable and immovables property on behalf of the University;
- (k) subject to the laid down government procedures, to approve the borrowing of money on behalf of the university; and for that purpose and subject to the Act, to mortgage or charge all or any part of the property unless the conditions of the property so held provide otherwise, and to give such other security whether upon movable and immovables property or otherwise as the Council may deem fit;
- (l) on the recommendation of the Senate to provide in accordance with the Statutes, for the creation of new divisions, faculties, schools, institutes, departments, centers or other bodies of learning, research and

production in the University, whether formed by the subdivision of any one or more than one of any such new body or otherwise, and for the abolition from time to time of any such body, and to approve the establishment, abolition or subdivision of any such body however so described;

- (m) to institute on the recommendation of the Senate fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
- (n) to approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
- (o) to empower committees to act jointly with any Committees appointed by the Senate, provided that the Council shall not delegate to the Chairman or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;
- (p) to approve regulations governing the conduct and discipline of the students of the University;
- (q) to receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
- (r) to approve the constitution of the Students Organization and so far as is reasonably practicable, to ensure that the Students' Organization operates in a fair and democratic manner and is accountable for its finances;
- (s) to provide for the welfare of the staff and students of the University;
- (t) to approve regulations governing the recruitment, conduct and discipline of the staff of the University;
- (u) to monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
- (v) to constantly review the viability and financial sustainability of the University, and shall do so once every year;
- (w) to ensure that the University complies with the constitution, other relevant laws, regulations, governance practices, accounting and auditing standards;
- (x) to perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

The Senate.

20. (1) There shall be Senate of the University as provided for in the Statutes whose membership shall be:-

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

- (b) The Deputy Vice-Chancellors;
- (c) The Principals of each Constituent Colleges of the University;
- (d) The Principals of each College and Campus of the University;
- (e) The Deans of Schools, Associate Deans, Directors of Institutes, Centres and other academic units;
- (f) The Registrars
- (g) The Heads of Departments;
- (h) Two members elected by the Academic Board or equivalent body (if any) of each Constituent College from among the members of such board or body;
- (i) Professors of the University
- (j) The University Librarian;
- (k) One representative of each of the School Boards appointed by the respective boards from amongst its members;
- (l) The Dean of Students;
- (m) The Director of Information, Communication and Technology services of the University;
- (n) subject to the Statutes, two members elected by the students' organization, who shall not be entitled to attend deliberations of the Senate on matters which are considered by the Chairperson of the Senate to be confidential or which relate to examinations, the general discipline of students, and other related matters; Such other member as Council may determine in accordance with the Statutes.

(2) The Deputy Vice-Chancellor for the time being in charge of Academic and Students Affairs shall be the secretary to the Senate.

(3) The Senate shall have the following powers and duties:-

- (a) to recommend to the Council the establishment, or abolition or harmonization of Faculties, Schools, Institutes, Units, Departments, and Centres as the Senate may from time to time deem necessary;
- (b) subject to the Act, to make recommendations to the Council for the establishment or abolition/supervision, degree and other academic programmes and their titles in the University;
- (c) to set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
- (d) to approve all syllabi of the University;

- (e) to make regulations governing methods of assessing and examining the academic performance of students;
- (f) to evaluate academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
- (g) to regulate the conduct of examinations;
- (h) to appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
- (i) to approve the examination results;
- (j) subject to the Act, to approve the award of degrees including the award of honorary degrees and other academic distinctions;
- (k) to determine which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University
- (l) to determine the procedure to be followed in the conferment of the degrees and other awards;
- (m) to determine the design of academic dress and prescribe its use;
- (n) to evaluate research, teaching, staffing and general work of anybody or section of the University and if it so wishes to report and make recommendations thereon to the Council;
- (o) to promote and administer the extra-mural, external and extension work of the University;
- (p) to promote research and innovation work in the University;
- (q) to promote co-operation and linkages with other institutions of higher learning and industry;
- (r) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (s) to develop, implement and promote quality assurance systems and structures in all University operations;
- (t) to promote the welfare of students and staff in the university;
- (u) to propose regulations and procedures for the discipline of students and make recommendations thereof to the Council;
- (v) to discontinue a student from a programme of study on academic grounds;
- (w) to receive proposals from various Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;
- (x) to recommend to the Council appropriate criteria for

- appointment and promotion of academic staff of the university;
- (y) to review the Statutes from time to time and to present recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
 - (z) to determine general policy matters relating to the library, laboratory facilities, teaching aids, workshops and such other academic services which are in its view necessary for the furtherance of the academic objectives of the University.
- (4) The Senate shall exercise such other powers as may be conferred to the Senate by the Act, the Statutes or by the regulations and to do such other acts as the Council shall authorize.
- (5) Notwithstanding the provision of this Charter, the Council shall not initiate any action in respect of academic matters except upon receipt of a report or proposal, and the Council shall not reject any such report, or reject or amend any regulations as proposed without further reference to Senate.

PART IV – THE UNIVERSITY MANAGEMENT BOARD

21 (1) There shall be a University Management Board which shall function as provided for in this Charter and the Statutes, whose membership shall be:

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges within the University;
- (d) the Registrars;
- (e) the Finance Officer;
- (f) the Legal Counsel;
- (g) such other member of senior management as the Council may determine in accordance with the Statutes.

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

- (a) the efficient management of the human, physical, and financial resources of the University;
- (b) making proposals to the Council and Senate on policies that have a University wide application;
- (c) the coordination of the University Strategic and Development plans; and
- (d) any other matters related to the management of the University.

Membership
and functions
of the
Management
Board.

The
Convocation.

22. (1) There shall be Convocation of the University which shall consist of graduates of the University and such other persons as may be prescribed by the Statutes.

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

The Staff of
the
University.

23. (1) The staff of the Narok University College existing prior to the commencement of this Charter, including those on secondment and contract, shall be deemed to be employees of The Maasai Mara University subject to the Act.

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

(3) The senior management staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges of the University, Registrars, Finance Officer, the Deans and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University shall consist of the Deputy Registrars, and such other members of staff engaged in general administration as the Council may, from time to time determine.

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

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

(7) All members of staff of the University shall, subject to this Charter, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Act, charter and the Statutes; or
- (b) in the case of a person seconded to the service of the University from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

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

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

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

24. There shall be a students' organization in accordance with the Statutes.

Student
Organization.

25. (1) There shall be an Alumni association of the University which shall consist of alumni and graduates of the University and such other members as may be prescribed in the regulations and Statutes.

Alumni
Association.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the Council or to the Senate, as may be appropriate.

(3) The Alumni association may exercise such other functions as may be prescribed in the Regulations and Statutes.

(4) The Council shall make rules for the promotion of the Alumni Association.

26. (1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity for a maximum period of one hundred and eighty calendar days.

Performance
of Functions in
absence of
Office Holder.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor after consultation with the Chairman of the Council may appoint one of the Principals of the Colleges of the University to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, the Chancellor after consultation with the Chairman of the Council may appoint a member of the academic staff at the level of professor to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(4) In the event of the incapacity of any member of staff of the University, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the incapacity for a maximum period of one hundred and eighty calendar days.

(5) In this section, "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes and whereupon at expiry of the above prescribed period, the position shall fall vacant

and the process of filling up the position as provided for in the Act, Statutes, and or regulations shall commence.

PART V—FINANCIAL PROVISIONS

Fiscal Year.

27. (1) The fiscal year of the University shall be the period of twelve months commencing on the 1 July and ending on 30 June in the following year.

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

Investments
of Funds.

28. The Council may invest any of the funds of the University in accordance with provisions of the Act.

Annual
Estimates.

29. (1) Before the commencement of a fiscal year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University for the fiscal year concerned, and in particular shall provide:

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable but of the funds of the University;
- (c) for the proper maintenance of the buildings and grounds of the University;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University;
- (e) for the funding of the cost of teaching, research and outreach activities of the University;
- (f) for development purposes; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) Annual estimates shall be approved by the Council before the commencement of the fiscal year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

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

30. (1) The Council shall cause to be kept proper books of accounts of the income, expenditure and assets and of the University. Accounts and Audit.

(2) During each fiscal year, the Council shall submit to the Auditor-General, the accounts of the University together with:

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University on the last day of that year.

(3) The accounts of the University shall be audited by the Auditor General.

(4) The Auditor-General may transmit to the relevant body a special report on any matters incidental to his powers.

PART VI—MISCELLANEOUS PROVISIONS

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

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

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

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

- (a) establishment of campuses, colleges, , schools ,faculties, institutes and centres of the University, distant and E-learning;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) prescribing the rules and regulations for the conduct and organization of student affairs;
- (g) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University;
- (h) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and

(i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

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

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths ($\frac{3}{4}$) of the members present and voting, being not less than half of the total membership of the Council.

Protection of
Name.

33. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "The Maasai Mara", together with the word "University", unless the application for the registration is accompanied by the written consent of the Council.

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

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

Revocation
and Savings
LN. No. 101 of
2008.

34. (1) The Narok University College Order, is revoked.

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

(3) Any persons constituting the Council of the Narok University College shall continue to discharge responsibilities and exercise such powers and functions as set out in the Act.

Transition.

35. (1) All the students of Narok University College who were pursuing Diploma and certificate programmes as at the commencement date of the Charter, shall be allowed to complete their courses and shall be awarded Diplomas and Certificates of the University.

Variation and
Revocation of
the Charter.

36. This Charter may be varied or revoked in accordance with section 22 of the Universities Act.

Given under my hand and the public seal of Kenya on the 12th day of February, 2013.

MWAI KIBAKI,
President.

Dated the 11th February, 2013.

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