



**STUDENTS ASSOCIATION OF KCA UNIVERSITY
(SAKU)**

AMENDED SAKU CONSTITUTION, 2021.

APPROVED BY THE UNIVERSITY SENATE AT ITS 28th APRIL 2021 MEETING.



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PREAMBLE

We, the students of **KCA UNIVERSITY**

PROUD of our culture and heritage;

HUMBLY submitting to God and recognizing our responsibility before Him, humanity and to ourselves,

HONOURING the selfless efforts and successes of the founding and succeeding members,

PROUD of the diversity of members and united by a common purpose and aspirations,

GUIDED by the principles, reason, courtesy, and genuine search of all virtues to live in comradeship, peace and in harmony with other student bodies, person(s), institutions and all who believe in the ideals of justice, equality and truth,

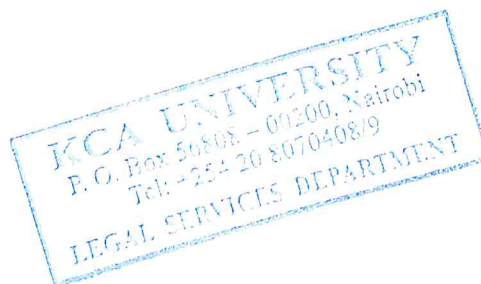
RECOGNIZING that our pursuit for peace, prosperity, academic and social welfare is achievable through the creation of the Association;

EXERCISING our right to choose the form of leadership desirable for the Association;

RECOGNISING the supreme authority of the University Council under the Universities Act No. 42 of 2012 of the Laws of Kenya, KCA Charter, all the KCA University Statutes and regulations governing the University, the Association and all the relevant laws of the land in all activities and organization of the University,

DO HEREBY DEDICATE OURSELVES TO KCA University by approving and proclaiming this Constitution:

- (a) As a legal instrument binding the students of KCA University across all campuses and branches;
- (b) As a guideline to obligations, freedoms and rights of the members of the Association; and
- (c) To safeguard students' rights regardless of creed, denomination, nationality, race, gender, culture, academic standing or economic status.



CHAPTER 1

NAME, DEFINITIONS AND OBJECTS

1.1. NAME

The Association shall go by the name **STUDENTS ASSOCIATION OF KCA UNIVERSITY** (herein after referred as “SAKU”)

1.2.DEFINITIONS

In this constitution, unless the context otherwise requires;

- a. “Amend” includes alter, repeal, revoke, rescind, cancel, replace, add to or vary in whole or in part
- b. “Annual accounts” means the balance sheet, the statement income and application of funds.
- c. “Association” refers to Students Association of KCA University (SAKU)
- d. “Business Day” refers to working days and excludes Saturday, Sunday and gazette Public Holidays.
- e. “Campus” refers to a campus of KCA University.
- f. “Campus Leadership Committee (CLC)” refers to the arm of SAKU leadership at the Campus level.
- g. “Charter” refers to the Charter of KCA University.
- h. “Constitution” refers to the Constitution of SAKU.
- i. “Dean of Students” has the meaning ascribed to it in the Charter and includes Associate Dean Campus Life unless excluded expressly or by necessary implication.
- j. “Discontinuation” shall be as prescribed by relevant University statutes.
- k. “Disability” includes any physical, sensory, mental, psychological or other impairment, condition or illness that has or is perceived by significant sectors of the community to have a substantial or long term effect on an individual’s ability to carry out ordinary day to day activities.
- l. “Document” means publication or any matter written, expressed by means of figures, that is intended to be used or may be used for the purpose of recording that matter.
- m. “Government Sponsored Students” shall mean students placed through Kenya

Universities and Colleges Central Placement Services (KUCCPS)

- n. “Member” refers to an Ordinary Member (as defined hereafter).
- o. “Official academic recess” shall mean long holidays declared by the University registrar on the basis of academic calendar applying to Government sponsored students.
- p. “SAKU assets” refers to all property that has been legally acquired by SAKU through its own funds and under its own name as contained in the Schedule of Assets prepared from time to time under Article 10.1 of this Constitution.
- q. “SAKU Council”, also simply referred to as the Council or Students Council refers to students’ central leadership constituted pursuant to Article 3.2 of this Constitution.
- r. “Student” refers to a person registered at KCA University to obtain an academic or professional qualification of the university or any other person determined by the senate to be a student.
- s. “Transition period” refers to the period before the disbandment of the current (2016/2017) SAKU Council as provided for in this Constitution.
- t. “Trimester” refers to a period of studying as set by the University management.
- u. “University” refers to KCA University.
- v. “Regional Campus” refers to any campus or Learning Centre sanctioned by KCA University management.

1.3 OBJECTS

The aims and objectives of SAKU shall be:

- (a) To use all lawful, proper and prudent means to ensure Members’ aspirations and interests are realized.
- (b) To promote students’ welfare and safeguard students’ rights and freedoms.
- (c) To seek and undertake representation and/or participation in organs of the University.
- (d) To work in close solidarity with other students' organizations within the University and to establish friendly relations and understanding with other relevant organizations, whose objectives are similar to those of SAKU including local and international organizations.



- (e) To seek, enhance and maintain the freedom of conscience, expression, association, academic liberty and all the rights and privileges accruing to members by virtue of their humanity, age, status, sex, citizenship and any other relevant criteria within the University Policies and guidelines.
- (f) To promote the enjoyment of the freedoms, rights and privileges referred to in paragraph (d) above.
- (g) To encourage student academic research and the development of their artistic and professional talents.
- (h) To improve the student-lecturer relationship by developing and enhancing mutual confidence among the students and lecturers.
- (i) To publish and distribute a magazine or other publications in which students can give expression, views, thoughts and creative talents.
- (j) To be a means through which student's responsibility, leadership qualities and other Talents are nurtured.
- (k) To develop positive attitude towards the community through participation in community service and/or giving back to the community.
- (l) To raise funds through legal and University approved means in order to sustain its activities.
- (m) To carry out such other activities that may be incidental to achievement of the above objectives.



CHAPTER 2

2.1. MEMBERSHIP

SAKU shall have three classes of members:

1. Ordinary Members
2. Associate Members
3. General Members

2.1.1. Ordinary Membership

Ordinary Membership to SAKU shall be open to all students registered with KCA University. Any such students shall be members by default as long as they have registered and paid up for the trimester or on official academic recess.

2.1.2. Associate Membership

All those students of other universities who at a particular time shall be at KCA University for student exchange program shall be associate members by default.

2.1.3 General Membership

General membership shall comprise of all students registered at KCA University to obtain an academic or professional qualification of the university or any other person determined by the senate to be a student.

2.2. RIGHTS, PRIVILEGES AND DUTIES OF MEMBERS

- a) Subject to the provisions of this Constitution, only Ordinary Members are eligible to seek election to any office or position established in this Constitution and to vote at SAKU elections.
- b) Any Ordinary Member may petition the Secretary General to call a General Meeting as long as such petition is supported by two hundred (200) students' signatures. An Associate Member shall not be eligible to seek election to any office or position established under this Constitution nor to vote at SAKU elections.



- c) Any Ordinary Member shall have the right to access all relevant information relating to affairs of the Association including books and records of accounts, audit reports and minutes of meetings in so far as it shall be reasonable and with sufficient notice.
- d) Any Ordinary Member shall have the right to take part in all legal, valid and legitimate activities organized and run by the Association for its members.

2.3. DUTIES

- a) Every member shall solemnly abide by the letter and spirit of the Constitution and shall respect, protect and uphold this Constitution.
- b) Every member is obligated to defend this Constitution, the KCA Charter, KCA University Statutes and Regulations.
- c) All members are under obligation to obey the University rules breach of which shall be tantamount to breach of this constitution.

2.4. CESSATION OF MEMBERSHIP

Membership shall cease when a member:

- 1. Retires upon completion of academic or professional programme at the University;
- 2. Fails to register for any course during the current trimester, with exception of Students on official academic recess.
- 3. Ceases to be a Student on account of transfer to another university, death, expulsion or discontinuation by the University or separation from the University for any other reason certified by the University Registrar in accordance with University Statutes.
- 4. Where a member is disqualified under any written law or regulations and their continued membership is deemed by SAKU and/or the University Management as being in any way detrimental to the Association and/or the University.
- 5. In the case of Associate Members, upon return to their parent university.
- 6. In the case of General Members, when he/she ceases to be a Student.

CHAPTER 3

3.1. LEADERSHIP OF THE ASSOCIATION

The Association shall be administered by the SAKU Council whose membership, shall be drawn solely from the KCA University Main (Ruaraka) Campus and shall further have delegated authority to the Campus Leadership Committee whose jurisdiction shall be limited to the Regional Campuses.

3.2. THE SAKU COUNCIL AND CAMPUS LEADERSHIP COMMITTEE

Leadership of the Association shall be at two levels namely:

- i) SAKU Council; and
- ii) Campus Leadership Committee.

3.2.1 SAKU Council:

The overall and coordinating organ of the Association shall be the SAKU Council. The SAKU Council shall consist of:

- 1. The Chairperson
- 2. Vice Chairperson, who shall be of opposite gender with the Chairperson and running mate to the Chairperson
- 3. Secretary General, who shall be the secretary to the Council
- 4. Treasurer, which position shall be reserved for women
- 5. Academic Secretary
- 6. Sports and Entertainment Secretary; and
- 7. Special Interest Secretary

3.2.2 Campus Leadership Committee:

- i) The Campus Leadership Committee shall comprise of three members who shall be elected by the Electoral College representatives at every campus except the Main (Ruaraka) Campus where the Electoral College representatives shall elect the SAKU Council officials.
- ii) The Campus Leadership Committee shall have the authority and responsibility equivalent to SAKU Council and may include other additional responsibilities as may be deemed appropriate pursuant to provisions of this Constitution.

- iii) The Campus Leadership Committees shall exercise authority in consultation with the SAKU Council under the guidance of the Dean of Students.
- iv) The Campus Leadership Committees shall have jurisdiction strictly within their respective campuses.

The Campus Leadership Committees shall consist of the following members:

- i. Regional Chairperson;
- ii. Regional Finance Secretary (which position shall be reserved for women); and
- iii. Regional Secretary;

Kisumu - Campus Leadership Committee shall have the following additional members.

- i. Regional Special Interest Secretary; and

Regional Vice Chairperson in charge of Sports (who shall be of opposite gender with the Chairperson and running mate to the Chairperson)

3.3 AUTHORITY AND RESPONSIBILITY OF THE SAKU COUNCIL

1. The collective responsibility of the SAKU Council shall be exercised by the members in accordance with this constitution, the Charter and Statutes and regulations and all other relevant laws and such authority shall be exercised:-

- (a) To ensure that all members uphold the constitution.
- (b) To formulate policies for the proper running and operation of SAKU and its organs as shall be determined from time to time.
- (c) To be responsible for the general co-ordination of SAKU activities.
- (d) To co-ordinate SAKU operations and activities that are common to all campuses and to ensure accurate and up to date records of SAKU activities and assets are kept and available for inspection without undue delay at the request of any person who is entitled to have access to such information including but not limited to members of the association and the administration of the university.

2. The SAKU Council shall be responsible for furtherance and achieving the objects of the Association as provided for in this constitution.

3.3.1. THE CHAIRPERSON

There is established the office of the Chairperson under this constitution who shall be elected based on provisions of this Constitution and who shall be Chairperson of the SAKU Council, the overall leader of students.

Role of the Chairperson:

The Chairperson shall perform the following duties:

1. Be the overall leader of SAKU and the SAKU Council.
2. Chair Association and SAKU Council meetings.
3. Represent the interests of the Association to the Administration of the University as a whole including concerns received from Campus Leadership Committee and at such official functions as may from time to time be required, including the attendance of the Senate meetings on invitation;
3. Shall also receive and investigate academic related grievances and make appropriate recommendations to the relevant authorities;
4. Perform such other duties as may from time to time be determined by the association of the executive so far as those duties are legal and are not in contravention of this Constitution, the University Charter and other statutory documents.
5. Have custody of the SAKU constitution and ensure that the constitution is free from willful and malicious interference.
6. Coordinate and ensure maintenance of cordial relationship between various organs of SAKU and University Administration.
7. Shall mobilize resources from external sources to supplement revenue from internal sources aimed at enhancing students' activities.

3.3.2 VICE CHAIRPERSON

There is established the office of the Vice Chairperson who shall be elected based on provisions of this Constitution and whose role shall be as provided hereunder:

Role of the VICE CHAIRPERSON:



The Vice Chairperson shall perform the following duties:

1. Deputise the roles of the Chairperson.
2. Shall assume office of the Chairperson in his/her absence in accordance with provisions of this constitution.
3. Shall promote academic excellence and fair competition among students within the campus.
4. Shall receive and handle academic related grievances in collaboration with faculty representatives in liaison with the Chairperson and relevant University departments/organs.
5. Shall ensure that SAKU Council members abide by the University regulations, respect and follow this constitution.
6. Shall ensure harmony among various members of the SAKU Council.
7. Coordinate and enhance education on student-related University policies, procedures and regulations among general student population while working closely with academic representatives.

3.3.3. SECRETARY GENERAL

There is established the office of the Secretary General who shall be elected based on provisions of this Constitution and who shall perform the duties provided hereunder:

The Secretary General shall perform the following duties:

1. Call all meetings of the Association including General Meetings on behalf of the SAKU Council;
2. Keep proper, true and accurate records of proceedings of every Meeting of the SAKU Council and the General Meetings.
3. Maintain and have custody of, subject to the direction of the SAKU Council, all correspondence of SAKU .
4. Keep the register of all members.
5. Represent SAKU at University committee meetings, as may be appointed by the SAKU Council.

6. To ensure accurate and timely dissemination of relevant Information to the SAKU Council and members.
7. Shall be the spokesperson of SAKU Council and the Association.
8. Perform any other duty as may from time to time be assigned by the SAKU Council.

3.3.4 TREASURER

There is established the office of the Treasurer in the SAKU Council who shall be elected based on provisions of this Constitution. The Treasurer shall be a woman. The Treasurer shall have the authority and responsibility as provided in the constitution and in particular shall:-

1. Keep in a proper and true accurate and *up* to date record of every SAKU financial transaction in the campus.
2. Ensure SAKU books of account are held in safe custody.
3. Ensure that every payment and expenditure is duly authorized.
4. Be a mandatory signatory to the Campus SAKU bank accounts.
5. Present audited reports to the SAKU Council and to any other person entitled to such reports with or without notice.
6. Ensure the two thirds gender rule is implemented in execution of the associations' affairs.
7. Ensure forums to empower ladies/women are organized.
8. Take care of ladies welfare within the campus.
9. Monitor and recommend review on policies affecting ladies within the campus.
10. Perform any other duty as may from time to time be assigned by SAKU Council in so far as those duties are lawful and are within the provisions of this constitution, the Charter and other university regulations.

3.3.5. THE ACADEMIC SECRETARY

There is created the office of an Academic Representative in the SAKU Council of the University who shall be elected based on provisions of this Constitution.

The Academic Secretary shall have such authority and responsibility as provided in this constitution and in particular shall:-

1. Promptly raise any academic issues to the SAKU Council;



2. Be the Chairperson of Academic Committee of SAKU;
3. Advocate for high quality academic standards, facilities, resources and services for effective and better academic programs at the University;
4. Represent **SAKU** at University committees meetings, as may be appointed by the SAKU Council;
6. Enhance education on student-related University policy procedures and regulations among members;
7. Initiate activities aimed at promoting academic excellence and fair competition within the University ;and
8. Perform any other relevant duty as may from time be assigned by the SAKU Council in so far as the duties are lawful and are within the provisions of this constitution.

3.3.6. SPORTS AND ENTERTAINMENT SECRETARY

There is created the office of Sports and Entertainment Secretary in the SAKU Council who shall be elected based on provisions of this Constitution and shall have authority and responsibilities stipulated in this constitution and in particular shall;

1. Be in charge of sports and entertainment activities on behalf of SAKU in the Campus;
2. Ensure that necessary training facilities are in place in the Campus;
3. Liaise with relevant university officers on sports, games, non-religious clubs councils, to ensure proper provision of sports, games, and non-religious clubs and entertainment services;
4. Ensure that all the activities scheduled and approved by the SAKU Council jointly with university administration are implemented;
5. Coordinate sporting activities both within and outside the campus and to liaise with sports captains in handling and solving grievances related to sports and report progress to the Council;
6. Work with sports captains to consolidate the sports budget for the campus in consultation with the university administration and advise on acquisition of sports equipment and the like
7. Preside over meetings of sports and recreation committee of the Campus;
8. Prepare proposals to sources of supplementary funds aimed at sponsoring activities and sports awards for those who display exemplary performance;

9. Ensure the subscription for outsourced services such as satellite television is paid for in time; and
10. Perform any other duty as may, from time to time to be assigned by the SAKU Council in so far as the duties are lawful and within the provisions of this constitution, the Charter and other university regulations.

3.3.7. SPECIAL INTEREST SECRETARY

There is created the office of Special Interest Secretary in the SAKU Council who shall be elected based on provisions of this Constitution and shall have authority and responsibilities stipulated in this constitution and in particular shall;

1. Oversee matters of faith and shall observe secularism and other responsibilities stated in this constitution;
2. Take care of faith based groups, special needs, disabled and minority groups' interest at the University;
3. 3. Shall be the Chairperson of the inter-faith committee and shall coordinate the activities of the committee from time to time including the Prayer Day activities; Monitor and recommend review on policies affecting persons with disabilities and special groups;
4. Ensure forums to empower special groups and persons with disabilities are organized;
5. Perform any other duty as may, from time to time to be assigned by the Students' Council in so far as the duties are lawful and within the provisions of this Constitution, the Charter and other university policies and regulation.

3.4. LIABILITIES OF THE SAKU COUNCIL

The members of the SAKU Council may be held jointly and severally liable for negligence and for mismanagement of the affairs of the SAKU, but in any event shall not be liable for the mistakes of individual members of the Council in their private capacities.

3.5. VACATION OF OFFICE

1. A member of the SAKU Council shall vacate office in any of the following circumstances;
 - a) When the office is declared vacant pursuant to provisions of this Constitution for purposes of conducting new elections.
 - b) If a vote of no confidence is cast against a member, in accordance with the provisions of this constitution.

- c) If the member ceases to be a Student of the university.
- d) If the member is convicted by a competent court of law of a criminal offence;
- e) If the member by the reason of infirmity of mind or body is unable to execute the functions of his/her office or dies.
- f) Through resignation by the member.
- g) If the member fails to register for the current trimester except when on official academic recess.
- h) If the member is found to be guilty of a disciplinary offence by the University Senate.
- i) If the member fails to attend three (3) consecutive meetings of the Council or CLC without prior written authorization from the Chairperson of SAKU Council or CLC. Provided that:
 - i. Prior notices for the said meetings were given at least 4 days beforehand and copies of the same transmitted to the Dean of Students at the time of issuance of such notices.
 - ii. A detailed report with evidence attached confirming the allegations of absenteeism are tabled to the Dean of Students within 48 hours upon making such resolutions.
 - iii. The member in question writes a formal response with evidence on reasons for his or her absence which may act on his or her defense.
 - iv. The Dean of Students shall constitute a Panel of minimum 3 (three) and a maximum of five (5) members within 48 hours of receipt of the said motion and shall adjudicate on the matter expeditiously but not exceeding 7 working days.
 - v. The decision of the panel shall be final and binding with a notice declaring the said position vacant submitted to the IECK should the panel uphold the resolution of SAKU Council or CLC.

In case of vacancy in an office in the SAKU Council or CLC the Council or CLC, shall appoint one person from among eligible members of the Council or CLC to act and serve in the vacant office until such position is properly filled.

Acting Chairperson:

In case the office of the Chairperson falls vacant, the Vice Chairperson shall act as Chairperson until elections are held and a new Chairperson is sworn-in in accordance with provisions of this Constitution.

3.6. CLUBS, FAITH BASED GROUPS/MOVEMENTS

All clubs, movements and faith based groups shall;

1. Be registered, deregistered and managed by the Dean of Students and SAKU Council shall have no authority to interfere, ban, threaten or intimidate any such group (s).
2. Operate in accordance to the law, statutes and policies of the University.
3. Work closely with the Sports and Entertainment Secretary and Special Interest Secretary and will be supported by SAKU Council.
4. There shall be created an Inter-Faith Group Committee under the guidance of the Dean of Students that shall oversee matters of faith as well as plan and coordinate faith based activities.

3.7. SAKU COUNCIL COMMITTEES

SAKU Council shall have the following two committees to help execute their mandate;

a) Inter-Faith Committee;

There is created an inter-faith committee of SAKU council that shall comprise of all chairpersons of registered faith based groups within the University and shall be chaired by the Special Interest Secretary. The committee shall be responsible for the following;

- i. Handling all faith based and religious matters affecting students;
- ii. Manage all faith based activities spearheaded by SAKU council;
- iii. Review regulations and policies affecting faith based groups and make recommendations to Dean of Students for consideration;
- iv. Firmly manage all prayer day activities for students;
- v. Champion harmony and peace among students; and
- vi. Any other role that does not contradict the beliefs and practices of registered faith based groups as well as policies and regulations of the University;

b) Academic Committee

There is created an academic committee of SAKU council that shall comprise of one class representative/coordinator from each academic department of the University forming electoral colleges and shall be chaired by the Academic Secretary. The committee shall be responsible for the following;

- i. handling all academic matters under the guidance of the academic secretary;
- ii. receive and discuss all academic matters and make recommendations to respective Deans of Faculties/Schools for action through the Dean of Students;
- iii. make recommendations to SAKU council regarding activities that would promote academic excellence among students;
- iv. sensitize students on academic regulations and outline benefits of professionalism; and
- v. any other constitutional role assigned by SAKU council from time to time which does not violate provisions of University policies and regulations.

CHAPTER 4

4.1. MEETINGS

There shall be three classes of meetings of the Association which shall be held at respective campuses as follows;

1. The Annual General Meeting hereinafter referred to as AGM;
2. The Special General Meeting, hereinafter referred to as SGM; and
3. Extra-ordinary General Meeting, also referred to as *Kamukunji*

4.1.1 Annual General Meeting (AGM)

- a) The Annual General Meeting shall be held not later than (12) twelve months following the last AGM.
- b) Notice in writing of such AGM, accompanied by the Annual Report and Accounts and the Agenda for the meeting shall be sent to all members in not less than twenty one (21) days before the date of the meeting.
- c) The Annual Report and Accounts shall be tabled at the AGM and shall be open for inspection by members.

4.1.1.1. Agenda of Annual General Meeting

The Agenda of any AGM shall include of the following:

1. Confirmation of minutes of the previous AGM;
2. Tabling of Annual Reports and Accounts as verified by the University Finance Department;
3. Such other matters as the SAKU Council may decide or as to which notice shall have been given in writing by a member(s) to the Secretary General at least four weeks before the date of the meeting
4. Handing over by the outgoing office bearers
5. Any other business

4.2. Special General Meeting (SGM)

- a) Any general meeting which is not the AGM shall be referred to as Special General Meeting.

- b) A Special General Meeting may be called for any specific purpose by the SAKU Council by the Secretary General. Notice in writing of such meeting and agenda shall be sent to all members not less than 7 (seven) days before the date of such meeting.
- c) An SGM may also be requisitioned by order in writing to the Secretary General by not less than two hundred (200) members of the Association through a petition to the Chairperson and such meeting shall be held within 21 (twenty one) days of the date of the requisition.

4.3 Extra –Ordinary Meeting

- a) An Extra Ordinary Meeting shall be called for any purpose or purposes of an emergency nature by the Secretary General or in their absence, any other member or members of the Council.
- b) The quorum of the *extra ordinary meeting* shall be those members present at the meeting, provided that its decisions shall, except where otherwise stated in this Constitution, be subject to the approval of SAKU Council.

4.4. Quorum for General Meetings

Quorum for General Meetings other than Extra-ordinary meeting shall be two hundred (200) or one-quarter of Ordinary Members of SAKU whichever is attainable.

4.5. Supreme Authority

1. The Annual General Meeting of the Association shall be the supreme decision-making body of SAKU in the Campus at which it is made.
2. Any motion proposed for discussion in a meeting of the SAKU General Meeting shall be determined by a majority of votes of the members present by voting.
3. Any decision made at a General Meeting shall only bind the campus at which it is made.

CHAPTER 5

ELECTIONS

- 5.1 SAKU shall hold elections of the Electoral College, SAKU Council and Campus Leadership Committee members every year pursuant to provisions of this Constitution.
- 5.2 Elections of the Electoral College shall be held in conformity with the financial year of SAKU pursuant to Article 6.1.3 and shall take place on the second last Tuesday of October of every year. In the event the elections cannot take place on the specified day due to unpredictable event(s) elections shall be conducted on the following working day.

5.1.2 General Principles of Elections:

1. The election process shall be subject to the provisions of this Constitution.
2. Elections shall be free and fair and shall be:
 - (a) free from violence, intimidation, improper influence or corruption;
 - (b) conducted by an independent body;
 - (c) transparent; and
 - (d) administered in an impartial, neutral, efficient, accurate and accountable manner.
3. Elections shall be conducted through secret ballot by the Electoral College.
4. Elections shall as much as possible be conducted through electronic system which shall be secure and free from any form of interference.
5. Any Ordinary member may contest for any position in the SAKU Council or Campus Leadership Committee subject to provisions of this constitution.
6. The outcome of the election shall reflect:
 - (a) not more than two-thirds of the members of the SAKU Council shall be of the same gender;
 - (b) national diversity;

- (c) universal suffrage based on the aspiration for fair representation and equality of vote; and
7. Every student's council shall be elected in accordance with the Universities Act.
 8. For purposes of conducting the election of the members of the Student Council and Campus Leadership Committees referred to in this Constitution; the Students' Association shall constitute itself into Electoral Colleges at the Main (Ruaraka) Campus and at the Regional Campuses based on either academic departments, schools or faculties, as may be appropriate under the guidance of the Dean of Students, this will be done at least two months prior to the Electoral College elections as provided for by this Constitution as long as the first interpretation will be that formation of Electoral Colleges shall take the form of academic departments at the Main Campus and Kisumu Campus while each other Regional Campus shall constitute itself into an Electoral College.
 9. The students of each Electoral College constituted under subsection (8 above) shall elect three representatives - from amongst persons who are not candidates under the provisions this Constitution; and of whom not more than two-thirds shall be of the same gender.
 10. In Conducting elections of representatives of the Electoral College as stipulated under subsection (8 & 9 above), the best three candidates of each Electoral College will be automatically declared the winners by the Chairperson of the Electoral Commission based on provisions of this Constitution except where two thirds gender rule has not been met in which case the immediate best person of the disadvantage gender shall be declared third best (position three) candidate alongside the best two hence declared the winners.
 11. The representatives of each Electoral College shall elect the members of the Student Council at the Main Campus and Campus Leadership Committees at other Campuses on the third Business Day of the election under subsection (9 above) in the absence of a Petition.
 12. Any member of the Association who has served as a SAKU Council member is not eligible to vie as an Electoral College member.
 13. The Electoral College representatives once elected and upon conclusion of the SAKU Council/Campus Leadership Committees elections shall serve for a period of one calendar year. However, the Electoral College will only be functional by virtue of necessity created by this Constitution. For the avoidance of doubt, they shall only handle By-elections that may arise from time to time.

14. In the event of a tie in the SAKU Elections:

- a) There shall be an immediate fresh election for the top two candidates. The winner to be decided by simple majority.
- b). In the event of another tie for any justifiable reason, the position will be declared open and the re-election of new Electoral College Representatives from the affected Electoral College shall be conducted and fresh election shall take place within 30 days following Elections procedures and timelines set out in this constitution..
- c). In the event of a successful fresh election as indicated in (a) above, the swearing in of all elected representatives shall be conducted in accordance with the SAKU Constitution.
- d). In the event of a repeat tie and fresh elections are to be conducted, the swearing in of the positions not affected by fresh election shall be conducted in accordance with the SAKU Constitution. The Swearing in of the re-elected position affected by fresh elections shall be conducted within 7 days from the date of the fresh elections by the new Electoral College Representatives.

5.2. General Qualification for Candidature in Electoral College, Regional Campus and SAKU Council elections

(a) To qualify to be elected to any office in SAKU Council, Campus Leadership Committee or Electoral College:

1. One must be a student of KCA University duly registered and paid up for the trimester during which elections are due to be held and shall have no fee balance within prevailing installment period set aside by the University management.
2. One must be an Ordinary Member of SAKU.
3. No candidate shall stand for election in more than one position in an election.
4. No candidate shall stand for election in any position unless he or she has been a member of SAKU for at least six consecutive months inclusive of official academic recess leading to the elections.
5. A member of the SAKU Council or Campus Leadership Committee shall hold any office for a term of one year and may be eligible for re-election for one final term.
6. Any person who has held office as a student council or Campus Leadership Committee member of KCA University or any University or constituent college in Kenya for two terms is disqualified from election as a member of the SAKU Council or Campus Leadership Committee.

7. Any candidate who has previously contested for a SAKU Council or Campus Leadership Committee position successfully shall not be eligible to contest for a position lower than the one previously held as certified by the IECK.
 8. Any student who will not have remained with at least one academic year as certified by the University Registrar shall not be eligible to contest for any position.
 9. One must submit a certificate of good academic progress (must have attained an average grade of C and above cumulatively in two academic semesters immediately preceding the elections for academic students and a PASS in the three quarter or equivalent of the same immediately preceding the elections for professional students) and continuity from the office of his/her Dean or Director of the relevant Faculty, School or Institute upon verification of the same by the University Registrar.
 10. SAKU Council aspirants shall submit a certificate of Good Conduct from the Directorate of Criminal Investigations (DCI).
 11. One must not have been found guilty by the University Students' Disciplinary Committee for any offence and/ or the Kenyan Court for any matter of criminal nature or have any pending disciplinary case(s) and shall show proof by obtaining a clearance certificate from the University Registrar.
 12. One shall not be a member of staff at KCA University in any capacity.
 13. One shall not be a Student in Work Study Program or Student Engagement Program six months preceding the elections.
 14. One must be cleared by the Electoral Commission as satisfying the requirements for elections in accordance with the provisions of this Constitution.
- (b) A candidate may be disqualified for contesting any position in SAKU elections if he or she:
1. Is appointed a member of the Electoral Commission
 2. Has declared interest in contesting for a position certified by the Electoral Commission to be lower in rank to the one he/she previously held during the period prior to the elections.
 3. Presents a forged document(s).
 4. Does not meet any of the requirements listed in Clause 5.2 (a).

5.3. Independent Electoral Commission of KCA University

1. There is hereby established the Independent Electoral Commission of KCA University (IECK) hereinafter simply known as Electoral Commission to conduct and supervise Electoral College Elections in each Campus of the University and the IECK based at main Campus shall preside over the SAKU Council as well as Electoral College Elections at the Main (Ruaraka) Campus.

2. The Electoral Commission shall be appointed by a Panel comprising of 5 members, two of the members appointed by the Deputy Vice Chancellor Academic and Student Affairs from whom one will be the Chairperson, two SAKU Council or CLC members who shall not vie for any elective position and one member appointed by the Inter Religious Group Committee from among qualified registered Students of integrity remaining with at least one academic year in a competitive and transparent process.
3. The two SAKU council or CLC members provided in article 5.3. (2) above shall be appointed by the SAKU council from amongst themselves.
4. Pursuant to subsection (2) above), the Panel shall have not less than two SAKU Council or CLC members failure of which the Inter-religious group committee shall appoint member(s) of the religious groups from among qualified registered Students of integrity remaining with at least one academic year in a competitive and transparent process to form the Panel.
5. The Commission once appointed shall serve for a period of one calendar year. However, the Commission will only be functional by virtue of necessity created by this constitution.
6. The Electoral Commission shall carry out its mandate within the Constitution with impartiality and independence and shall not be influenced by any person.

5.4. Membership of IECK

The Electoral Commission shall consist of not less than three (3) and not more than seven (7) commissioners duly appointed as per Article 5.3 and composed as follows:

1. Nominated members pursuant to Article 5.3.2 of this Constitution (the nominees who are members of the Association shall hold the qualifications under clause 5.2 of this Constitution); and
2. Ex-officio members who shall be the Dean of Students or his/her Representative and the University's Chief Security Officer or his/her Representative.

5.5 Disqualification of Membership to the Electoral Commission

A person shall not be eligible to be appointed to the Electoral Commission, if he or she:

- 1) is a member of the SAKU Council or has served as a member of the SAKU Council, Campus Leadership Committee or Electoral College member;
- 2) is seeking to contest or vie for a position in the elections either

as a member of SAKU Council, Campus Leadership Committee or Electoral college member; and

- 3) Lacks integrity, impartiality or for non-compliance with any other requirement stipulated under this Constitution or Elections Code.

5.6 Functions of the Electoral Commission

(a) The Electoral Commission shall:

1. preside over the Electoral College elections and SAKU Council elections as stipulated by this constitution;
2. declare seats vacant as per provisions of this constitution;
3. oversee the campaign process and set election rules and procedures that do not contravene the provisions of this constitution;
4. publish the names of successfully nominated candidates and the disqualified candidates for both the Electoral College, Campus Leadership Committee and the SAKU Council and shall post such notice of disqualification together with reasons at a suitable notice board within the campus where the affected candidates are based; ensure that the voting procedure is simple and that the results are announced in a timely manner; carry out civic education on the importance and procedure of elections; and
5. Advise the University management to adjourn classes at the time they deem necessary in consultation with the Dean of Students on the day of elections.

(b) In addition to the above, the Electoral Commission shall have power to:

1. Conduct and supervise all Electoral College, Campus Leadership Committee and SAKU Council elections;
2. promote free and fair elections;
3. penalize any candidate who violates the election rules and
4. disqualify candidates in accordance with this constitution.

5.7 Dissolution of SAKU Council and Campus Leadership Committee:

- 5.7.1 The SAKU Council and the Campus Leadership Committee shall be dissolved by the Chairperson through a motion to be tabled one month before Electoral College election date. If the Chairperson fails to table a motion to dissolve the Council/Committee, the

SAKU Council shall stand dissolved within two (2) days after the date on which it should have passed a motion of dissolution.

5.8 General Election Regulations

- a. Winner(s) shall be determined by a simple majority.
- b. Handing over shall be done in four working days after conclusion of SAKU elections and any petitions.
- c. Each candidate shall be allowed to appoint an agent who shall help him or her in overseeing of the Electoral College election activities.
- d. Results will be announced by the Chairperson of the electoral commission after closure of counting/tallying of votes upon conclusion of Electoral College, SAKU Council and Campus Leadership Committee Elections and winners declared based on provisions of this Constitution.
- e. An agent appointed by a candidate pursuant to Article 5.8 (c) above shall have full mandate to witness counting or tallying of votes on behalf of the candidate.

5.8.1 Spoilt votes

Pursuant to provisions of this constitution on elections;

- a. A spoilt vote shall be a vote that is obliterated or damaged or ambiguous or illegible so that it cannot identify the candidate for whom it was cast .
- b. A spoilt vote shall not be tallied or considered in favour of any of the candidates.

5.8.2 Election offences

- a. An election offence may occur if provisions of the constitution are contravened by a contestant or candidate during election period in which case the Electoral Commission shall be entitled to summon the candidate and any other person and after inquiring into the matter, may disqualify, suspend or make any other valid decision regarding the candidature of the person affected.
- b. Election offences include rigging, use of physical force, intimidation, giving false information to the Electoral Commission, campaigning on the polling day, and /or omission which defeats realization of free and fair elections with respect to a specific position or generally.

5.9 Nomination Procedure

- 1) Nomination papers for the Electoral College and the SAKU Council shall be obtained from the Electoral Commission fourteen (14) days prior to the election date identified under Article 5.1.
- 2) Nominations papers for the positions in the Electoral College and the SAKU Council shall be signed by the candidate, the candidate's proposer and supported by two hundred (200) ordinary SAKU members or one quarter of the Association members whichever is attainable.
- 3) Candidates shall submit duly signed nomination papers to the Electoral Commission twelve (12) days prior to the election date identified under Article 5.1 between 8 am and 5 p.m.
- 4) The nomination papers shall be returned in designated places in the contestants' respective campuses and the Electoral Commission shall present only candidates who have been cleared in accordance with the Constitution.
- 5) The Electoral Commission shall announce within two (2) days and cause to be prominently published immediately thereafter successfully nominated candidates for both the Electoral College, Campus Leadership Committee and the SAKU Council.
- 6) Official campaigns for the Electoral College elections shall begin immediately after the publication of the list of nominees by the Electoral Commission and shall last for seven (7) days and end a day before the elections.
- 7) The Electoral Commission shall announce within twenty four hours from the close of voting, the winners of the Electoral College elections and shall publish the list of Electoral College Members.
- 8) The SAKU Council and the Campus Leadership Committee elections shall be conducted by the Electoral College between 8.00am and 6.00pm and the results announced by 7.00pm the same day by the Chairperson of IECK.
- 7) Any regulations governing the conduct of campaigns by candidates and their supporters shall be published by the Electoral Commission and once published, any such regulations may not

be amended during the election period. The rules shall be signed by all validly nominated candidates before clearance by the electoral commission.

- 8) The Electoral Commission shall be the sole interpreter of any such regulations, subject to the complaints procedures outlined in this Constitution.
- 9) The Electoral Commission may organize campaign debates in their respective campus. The debates shall be conducted in a professional and peaceful manner promoting issue based campaigns.
- 10) A candidate validly nominated may withdraw his/her candidature by a written notice addressed to the Electoral Commission and signed by the candidate and attested by three witnesses not later than forty eight hours to the elections.
- 11) Without prejudice to the generality of the foregoing, the Electoral Commission shall only clear contestants who have fully complied under the provisions of this constitution.

5.10. Voting

- 1) The Electoral College elections shall be by secret ballot, simple majority system and on the principle of one member one vote.
- 2) The voting shall be done electronically.
- 3) The Campus Leadership Committee and SAKU elections shall be conducted by the Electoral College under the guidance and supervision of the Electoral Commission based on provisions of this Constitution.
- 4) Notwithstanding the provisions in clause 2 above, the Electoral Commission may consider alternative voting method in which event transparent ballot boxes shall be used. The use of alternative voting method shall be procured strictly based on necessity as may be justified and approved by the Dean of Students.
- 5) For purposes of identification, students shall be required to produce a valid student and national identity card or a passport or a birth certificate or a registration waiting card.
- 6) The electoral roll/register shall be prepared by the University and shall be open for verification by students at least one week prior to the elections identified under Article 5.1.
- 7) Immediately after voting, the votes shall be electronically beamed or counted at the respective polling stations as the case may be.

- 8) The counting shall be presided over by a Returning Officer who will also be the Chairperson of IECK in each campus.
- 9) Agents appointed by the candidates shall be entitled to witness the counting and tallying based on provisions of this Constitution.
- 10) The candidate who garners the highest number of votes shall be declared as the winner of the elective position contested for during the SAKU Council elections as provided for by this Constitution. Subsection 5.1.2 (10) shall apply for election of Electoral College members.

5.11. Independent Election Petition Panel

- 1) There shall be an Independent Election Petition Panel, hereinafter referred to as "The Panel".
- 2) The Panel shall consist of a minimum of 3 (three) and a maximum of five (5) members
- 3) The Chair of the Panel shall be the University Legal Counsel or such person as may be appointed by the University Legal Counsel in that behalf and who shall be an Advocate of the High Court of Kenya or such person with knowledge and experience in electoral matters.
- 4) The Panel shall be constituted after receiving a petition.

5.12. Election Petitions

- 1) A Petition may be lodged with the Panel by a candidate or any member of SAKU on any of the following grounds:
 - a) Whenever such a candidate or member has evidence that there has been a contravention of any election procedure or rule during the election period.
 - b) Whenever there are substantiated allegations of bribing of voters, intimidation and/or harassment of voters and/or candidates.
 - c) Whenever there is allegation that a candidate has otherwise breached this Constitution.
- 2) A Petitioner may bring a petition regarding nominations, campaigns and/or elections.
- 3) A Petition must be lodged not later than two Business Days after the elections and must be signed by at least 20 eligible voters under this constitution and other enabling laws.
- 4) The Chairperson of the Panel shall notify the parties concerned and constituency members of a petition within forty eight (48) hours of such lodging.
- 5) The Panel shall sit at such places as it may determine from time to time.
- 6) The Panel shall determine petitions expeditiously, but not more than five (5) Business Days.
- 7) The petitioner or the respondent may be allowed to have legal representation.

- 8) The hearing of the petition shall be *inter partes* (all parties present) save where a party fails to attend without any reasonable excuse, in which case an *ex parte* (one party present) hearing may be held.
- 9) The decision of the Panel shall be final and binding and shall be submitted to the Electoral Commission for execution.

5.13. Swearing-in

- 1) The elected officials shall be sworn in by the University legal counsel or his/her representative who must be an advocate of the High court of Kenya in the presence of Electoral Commission within four (4) working days after the announcement of the results and a certificate issued to the winning candidate in each position for SAKU Council/Campus Leadership Committee. In case a Petition is lodged against a candidate, the swearing in shall be held within 24 hours of the decision of the Petition Panel.
- 2) The ceremony shall take place in public at the University hall or at such other place within the Campus as may be designated by the Electoral Commission.
- 3) Elected officials shall take office upon being sworn in.
- 4) The swearing in shall be done either jointly or separately in the different campuses depending on the logistical demands as deemed fit by the University Management.

5.14. By Elections

- 1) A by-election shall be held whenever an office or seat falls vacant by reason of:-
 - i. successful petition
 - ii. Cessation of student membership through discontinuation by the University or any other reason as per the provisions of this constitution
 - iii. Imprisonment due to conviction on any crime by a court of law
 - iv. Death or physical or mental infirmity
 - vii. Resignation or suspension from the University for a Period longer than three months.
- 2) The by-election shall take place within fourteen (14) days of the office or seat falling vacant and shall be conducted by the respective Electoral College representatives in the case of a vacancy at the Campus Leadership Committee or the Electoral College representatives at the Main (Ruaraka) Campus in the case of a vacancy at the SAKU Council as provided for in this Constitution; **PROVIDED** that no by-election shall be held within three months to the next General Election;

PROVIDED further that where the seat of a member of SAKU Council or Campus Leadership Committee falls vacant, the remaining members of Council/committee shall appoint another member in an acting capacity for the vacant seat.

CHAPTER 6

6.1. FINANCE

6.1.1. Revenue

SAKU shall secure its revenue from lawful sources including:

- a) Subscription fees from membership;
- b) Allocations from the University;
- c) Donations;
- d) Grants;
- e) Income from business premises duly approved by the University Management.
- f) Any other lawful means.

6.1.2. Expenditure

1. The expenditures of SAKU shall be approved in the first instance by the SAKU Council in consultation with University Management and expended on a day to-day basis by the Treasurer under supervision of the executive council and the overall guidance of the Dean of Students.
2. All expenses incurred out of SAKU funds shall be solely for the benefit to the students.

6.1.3. Financial Year

The financial year of SAKU shall run from November to October of the following year.

6.2. ANNUAL ACCOUNTS

- 1) Under the guidance of the University Chief Finance Officer and Dean of Students in compliance with the University Financial Regulations, the Treasurer shall prepare Annual Accounts for the campus and present them to the SAKU Council which shall table them at the AGM after they have been audited.
- 2) Such accounts shall be signed by the Chairperson and Treasurer and in the absence of the Chairperson by another member of the SAKU Council.

6.2.1. Audit and Audit Report

- 1) The University Auditor shall at all times have access to books and records of SAKU and shall be entitled to receive all relevant information necessary to complete the audit of SAKU accounts.
- 2) The auditor shall table their report at the AGM and shall state in it whether or not SAKU has kept proper books of accounts.

6.3. BUDGET

The SAKU budget shall be prepared by the SAKU Council at the beginning of each financial period. The budget shall be prepared by the SAKU Council and shall include among other things the following associations' activities:

1. Sports day and fun day at least twice a year
2. Cultural festival at least once per academic year
3. Prayer day to be held at least once per semester, and
4. Symposiums to be held as deemed appropriately per year.

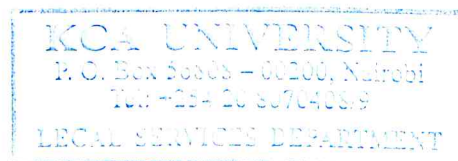
The activities of the SAKU shall be planned and carried out in consultation and in conformity with University Administration subject to availability of resources

6.4. REMUNERATION

- 6.4.1. All SAKU executive officials shall be entitled to monthly allowances as per the Remuneration Schedule agreed upon from time to time by the University Administration and SAKU Council.
- 6.4.2. The remuneration determination *shall* not be to the disadvantage of the incoming office bearers; and such determination shall be based on evidence of the income of SAKU.
- 6.4.3. In addition to the monthly allowances the SAKU officials shall be entitled to sitting allowances for all official meetings sanctioned.
- 6.4.4. Without prejudice to any of the aforementioned provisions, at reaching the amount payable to the officials, such amounts as may be payable shall be befitting the office of the official.
- 6.4.5. At all material times the allowances payable to the officials shall not exceed 30% of the total SAKU income projected for the year with close attention to the previous financial year.

6.5. SAKU BANK ACCOUNTS

- 6.5.1. The Association shall have a bank account opened and maintained at such a bank as the SAKU Council and University Administration shall jointly determine.
- 6.5.2. An account shall be maintained for each campus. All the monies required for the day to day running of SAKU activities including remuneration and payment of allowances shall be drawn from the SAKU account
- 6.5.3. Any withdrawals from SAKU account must be sanctioned by the SAKU Council and shall be made only upon proof of valid signatures of the authorized signatories
- 6.5.4. The SAKU Council officials authorized to sign for withdrawals from the SAKU account shall include:
 1. The Chairperson
 2. The Secretary General
 3. The Treasurer
- 6.5.4.1. At all material times the Dean of Students or any other person appointed by University Administration shall be a mandatory signatory to all SAKU bank Accounts.
- 6.5.5. The Treasurer shall maintain a miscellaneous account for the day to day running of the Activities of the SAKU Council and shall account for any withdrawals from such kitty.
- 6.6. Drawings for the campuses shall be sanctioned by the Chairperson upon passing of the budget by the SAKU Council.



CHAPTER 7

7.1. BREACH OF THE CONSTITUTION AND DISPUTE RESOLUTION

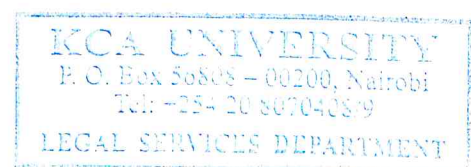
7.1.1. Breach of the Constitution and SAKU Disciplinary Committee

There is hereby established the SAKU Disciplinary Committee.

- 1) Any person or group of members breaching the SAKU Constitution shall be subject to disciplinary proceedings of the SAKU Disciplinary Committee.
- 3) The SAKU Council shall make rules to govern the Disciplinary Committee's composition and proceedings.

7.2. Dispute Resolution

- 1) All disputes regarding the interpretation and implementation of this Constitution shall first be solved through Mediation, Conciliation or Negotiation by the Dean of Students:
- 2) Where such methods as described above fail, parties shall proceed to arbitration only on interpretation under direction of the University Legal Counsel.
- 3) An appeal shall lie to the Office of Deputy Vice Chancellor Academic and Student Affairs and finally to the Vice Chancellor in cases where one party is dissatisfied by the decision made in which case the Vice Chancellors interpretation will be final and binding even for future cases.



CHAPTER 8

8.1. VOTE OF NO CONFIDENCE AND DISSOLUTION

8.1.1. Vote of No Confidence or Impeachment

A vote of no confidence in any office bearer shall be carried out as provided hereunder in a General Meeting convened under this Constitution.

- 1) A vote of no confidence in a member of the SAKU Council/Campus Leadership Committee shall require a petition supported by at least one quarter of members of the Campus or two-thirds of members of the SAKU Council/Campus Leadership Committee and may only be successful if a quorum of fifty percent (50%) of members and a vote of two-thirds of the members present is realized.
- 2) The vote of no confidence against the whole of the SAKU Council/Campus Leadership Committee shall be successful only if a quorum of two thirds of all the members and a vote of two thirds of members present is reached.
- 3) In the event of the vote of no confidence being carried as provided for herein, such member(s) against whom a successful vote has been made shall forthwith vacate office.
- 4) In the event of a vote of no confidence against the whole of the SAKU Council/Campus Leadership Committee as provided for herein, the Electoral College representatives shall be convened by IECK to conduct fresh elections based on provisions of this Constitution in respect thereof shall be held within twenty one (21) days thereafter.
- 5) The maker of the no confidence motion in both cases shall collect the required signatures to meet the threshold set by this constitution.

PROVIDED that in the event of a vote of no confidence against the whole SAKU Council/Campus Leadership Committee, the University Administration shall appoint a caretaker committee to undertake the functions of the SAKU Council/Campus Leadership Committee.

CHAPTER 9

9.1. AMENDMENT OF THE CONSTITUTION

- 1) Any Ordinary Member of SAKU may propose an amendment of the Constitution by proposing to the SAKU Council such amendment and requisitioning for a motion to Amend.
- 2) The members of SAKU shall forthwith be invited by the SAKU Council to submit their views on the proposed Amendment.
- 3) The members shall then vote on the amendment. Any amendment to this Constitution shall be effected when approved by a simple majority of the Ordinary members and the University Senate.
- 4) A motion for amendment of the constitution shall be through a petition signed by at least 10% of the members of the SAKU Council.
- 5) Subsections (3 & 4 above) notwithstanding, any amendment that follows provisions of an Act of parliament (Republic of Kenya) shall automatically amend any provision of this Constitution without necessitating a referendum or following procedure stipulated herein.
- 6) Any amendment proposed by the SAKU Council with approval of University Senate purely for correction or rectification of an error apparent on the Constitution, or for purposes of ensuring clarity only is permitted as long as the proposed amendment shall be circulated by notice of thirty days to all members and any objection by way of a petition supported by at least two hundred members is addressed in writing by the SAKU Council.

CHAPTER 10

TRANSITION

- 10.1. Any rights, duties, obligations, assets, revenue and liability of SAKU existing immediately before the adoption of this constitution shall be deemed to be transferred to SAKU upon adoption of this constitution. A Schedule of Assets shall be agreed upon by the University Management and SAKU leadership prior to the first elections under this Constitution and such Schedule shall thereafter be maintained and updated from time to time.
- 10.2. This constitution shall be validated upon the following:
- (a) A successful referendum/Provisions of an Act of Parliament (Republic of Kenya); and
 - (b) Approval of the constitution by the Senate, and shall come into force immediately subject to the provisions of this transitional Article.
- 10.3. Upon expiry of the terms of the existing office holders immediately before the coming into force of this constitution, the student leadership body generally referred to as the SAKU Council, shall be transformed into a Transitional Committee with its existing structure for the smooth running of SAKU affairs during the transition period and for preparations for the first elections under this Constitution. For avoidance of doubt, the term of the Transition Committee shall come to an end upon its dissolution and appointment of the Electoral Commission.
- 10.4. Any new office created under this constitution shall be effected by operation of law through the first general election held under the provisions of this constitution.
- 10.5. For proper management and due to transition issues of the first election under this constitution, Article 5.9 (1), (3) and (6) shall apply but with reviewed timelines upon consultations between outgoing SAKU Council and the University Administration.
- 10.6. For purposes of transition, interpretation of SAKU Council and Campus Leadership Committee membership shall include any student council or leadership that has existed since inception of the association; For avoidance of doubt, this shall take into account various changes in the name of the association since formation of KCA as an Institution.

CHAPTER 11

BILL OF RIGHTS

11.1 Every student is entitled to the fundamental rights, that is to say:

1. Rights to freedom and expression of thought
2. Right to human dignity
3. Right to privacy which includes the right not to have students';
 - i. Possessions seized, unless the claimed ownership is in question, or is deemed to be causing disturbance or is dangerous.
 - ii. Information relating to their family or private affairs, their academic reports unnecessarily required or revealed; and
 - iii. Privacy infringed with respect to their communication.
4. Right to freedom and security of the person
5. Right to freedom from discrimination, based on creed, colour, ethnicity, disability, gender or age
6. Right to freedom of assembly and petition
7. Right to freedom of association
8. Right to freedom of access to legitimate information
9. Right to freedom from any forms of abuse including intellectual abuse
10. Right to judicious treatment
11. Right of redress or appeal to higher level of administration
12. Right to fair hearing
13. Right to a quiet environment
14. Right to representation by the leaders of the student government as provided for in this constitution
15. Rights to be represented by the student leaders in all meetings dealing with contracts that affect them directly such as Medical, Transport, Catering and all others deemed necessary, and
16. Right to copies of the said contracts once signed
17. Right to representation when one is facing a disciplinary offence

11.2 All the students of the university shall be entitled to;

- a) Participate in SAKU elections or to be elected to the Electoral College, SAKU Council or Campus Leadership Committee based on provisions of this Constitution.
- b) Actively participate in the proceedings of SAKU meetings
- c) Take part in all activities of SAKU
- d) Enjoy the right to public opinion during association, executive, and any other meetings convened by the Association.
- e) Express his or her opinion in a proper and appropriate manner in any SAKU meetings or any other for a where SAKU has interest.
- f) No official and or member, of the association shall be harassed, victimized or suffer retribution as a result of carrying out their duties.



APPROVED by the University Senate on this 28th day of April 2021.

Prof. Isaiah I. C. Wakindiki, Phd., Pr. Nat. Sci.
Professor of Soil Science
Vice Chancellor and CEO
Chairman, University Senate

Signature: 

In the presence of

Prof. Joshua G. Bagaka's, Ph.D

DVC – AA/I &R

Secretary, University Senate

Signature: 

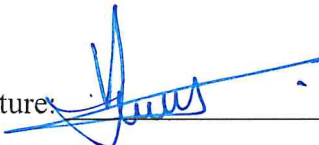
Judy Warui, Advocate

University Legal Counsel

Signature: 

Lamech Angila

Dean of Students

Signature: 

Peter Mutua

President, SAKU Council

Signature: 

