

THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)

CHARTER

for

**JARAMOGI OGINGA ODINGA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**



LEGAL NOTICE NO.....

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

CHARTER FOR JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE
AND TECHNOLOGY

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 Jaramogi Oginga Odinga University of Science and Technology in accordance with the provisions of the Act.

Dated the 11th February2013.

MARGARET KAMAR,
Minister for Higher Education, Science and Technology

SCHEDULE

THE UNIVERSITIES ACT, 2012

CHARTER FOR JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY

PREAMBLE

WHEREAS the Government of Kenya wishes to establish Jaramogi Oginga Odinga University of Science and Technology situated in Siaya County in the Republic of Kenya;

AND WHEREAS the said Jaramogi Oginga Odinga University of Science and Technology 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 Jaramogi Oginga Odinga University of Science and Technology are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Jaramogi Oginga Odinga University of Science and Technology 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 Jaramogi Oginga Odinga University of Science and Technology 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 Jaramogi Oginga Odinga University of Science and Technology.

CHARTER FOR JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY

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PART I - PRELIMINARY

1. Short Title

This Charter may be cited as the Jaramogi Oginga Odinga University of Science and Technology Charter, 2013.

2. Interpretation

In this Charter, unless the context requires otherwise—

“academic staff” means a member of the staff of the University who is, a professor, an associate professor, a senior lecturer, a lecturer, an assistant lecturer, a 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;

“Act” means the Universities Act, 2012;

“administrative staff” means the employees of the University who are appointed on administrative terms of service and includes the Vice Chancellor, the Deputy Vice Chancellors, the Principals of Colleges, the Registrars, the Deans of Faculties, the Directors of Schools, Centres and Institutes, the Heads of Departments, the Finance Officer and such other members of staff, not being engaged in teaching or research as the Council may from time to time determine;

“alumni” means a person who is a former student of the University or the Bondo University College who completed an approved programme of study and qualified for the award of a degree, diploma or certificate;

“Alumni Association” means the association of the alumni established under section 23 of this Charter;

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

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

“Chancellor” means the Chancellor of the University as appointed under section 13 of this Charter;

“College” means a college established by the University under section 8 of this Charter but does not include a Constituent College;

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

“Constituent College” means a Constituent College of the University established under section 9 of this Charter;

“Council” means the

the charter;

"Faculty" means a faculty of the University established under the Statutes;

"graduate" means a person who is awarded a degree or certificate of the University or the former Bondo University College;

"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, 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;

"Management Board" means the Management Board established under section 23 of this Charter;

"Professor" means a professor of the University;

"Senate" means the Senate of the University established under section 21 of this Charter;

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

"Statutes" means the Statutes of the University as made by the Council under section 29 of this Charter;

"Students' Association" means an organization of the students established under section 22 of this Charter;

"University" means Jaramogi Oginga Odinga University of Science and Technology established under section 3 of the charter; and

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

PART II - ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and incorporation of the University.

(1) There is hereby established a University to be known as Jaramogi Oginga Odinga University of Science and Technology.

(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 such other things including entering into such agreements as may be necessary or expedient, for the furtherance of the provision of this Charter which may be done by a body corporate.

(3) The University shall be the successor to the Bondo University College constituted under the Bondo University College Order, 2009.

(4) Subject to this Charter, all rights, liabilities and assets held on behalf of the Bondo University College, existing at the commencement of this Charter, shall be automatically and fully transferred to the University.

4. Mission and Vision

(1) The Mission of the University is to provide quality university education that nurtures creativity and innovation through integrated training, research and community outreach.

(2) The Vision of the University is to be a beacon in training, research and sustainable development.

5. Philosophy

The Jaramogi Oginga Odinga University of Science and Technology is anchored in the philosophy of holistic approach to the service of humanity mediated through science and technology.

6. Aims

The aim of the University is to—

- (a) produce competent graduates in line with the mandate of the University;
- (b) generate research and innovations outputs with impact on the national development goals;
- (c) transfer and commercialize technology from the University and other international institutions to the benefit of students, the University and the industry;
- (d) promote the advancement of knowledge through teaching, consultancy, scholarly research and scientific investigation;
- (e) promote learning in the student body and society ;
- (f) support and contribute to the realization of national economic and social development goals of the country;
- (g) promote the highest standards in quality of teaching and research;
- (h) disseminate the findings of the research conducted by the university to the general community;
- (i) facilitate life-long learning through provision of adult and continuing education; and
- (j) foster capacity for independent critical thinking among its students.

7. Functions

(1) The functions of the University are to—

- (a) provide education directly, or in collaboration with other institutions, and in so doing provide for the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) participate in scholarly work, the discovery, transmission, utilization, preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economical, social, cultural, scientific and technological development of Kenya;
- (c) offer continuing professional development courses;
- (d) determine the curriculum and its mode of delivery and to specify the admission criteria;
- (e) conduct examinations for and to grant and confer such academic awards as may be provided for in the Act and the Statutes;
- (f) establish new colleges, faculties, schools, institutes, departments, other resource and administrative units and centres;
- (g) promote the general welfare of staff and students.

(2) The University shall not discriminate against any person with regards to admission to the University or appointment and promotion of staff on the basis of race, ethnicity, place of origin or residence or other local connections, economic and social standing, colour, creed, physical ability or gender; pregnancy, marital status, religion, conscience, belief, culture, dress, language or birth.

8. Establishment of Colleges within the University

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

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

9. Establishment of Constituent Colleges

The Cabinet Secretary may, on the advice of the Council and the recommendation of the Commission, 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.

10. Conferment, Granting, Cancellation and Withdrawal of Degrees and other Awards.

(1) Subject to the Act and this Charter, the University may—

- (a) grant diplomas or certificates or other awards as may be provided under the Statutes;
- (b) confer a bachelor, masters or doctorate degree and such other University qualifications as may be provided for by the Statutes; or
- (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 as may be provided for in the Statutes.

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

11. Award of Scholarship

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

12. Membership of the University.

(1) The members of the University are—

- (a) the Chancellor;
- (b) the Chairman of Council;
- (c) the members of 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 Registrars;
- (i) the University Librarian;

- (j) the Finance Officer;
- (k) the Chief Legal Officer;
- (l) the members of Senate;
- (m) the academic staff;
- (n) non-teaching members of staff of the university;
- (o) the students;
- (p) the members of the Alumni Association; and
- (q) such other persons declared members of the University by the University Council on the recommendation of Senate.

(2) The members of the University shall enjoy such rights and privileges as may be outlined in the Statutes.

13. Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the President in accordance with the Act.

(2) The functions of the Chancellor and tenure of office shall be in accordance with the provisions of the Act.

(3) The Chancellor shall enjoy such powers and privileges to perform such other functions as may be provided in the Statutes.

14. Chairman of Council

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

(2) The Chairman of the 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.

15. Vice-Chancellor

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

(2) The Vice-Chancellor shall hold office upon such terms as provided for in the Act and the statutes.

16. Deputy Vice Chancellor

(1) The Council shall appoint two or more Deputy Vice-Chancellors through a competitive process.

(2) The Deputy Vice Chancellors shall be under the general authority of the Vice-Chancellor and shall exercise such powers and perform such duties as may be provided for in the Statutes.

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

17. Principals of Colleges

(1) The Council shall, through a competitive process, appoint a Principal for each college of the University.

(2) A Principal 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.

(3) 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.

18. Principals of Constituent Colleges

(1) The Principal of a Constituent College shall be appointed competitively by the Cabinet Secretary on the recommendation of the 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.

19. Council

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

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

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

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

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

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

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

20. Functions of the Council

The Council shall —

- (a) subject to the provisions of the Act and after consultation with the Senate, make regulations;
- (b) make and approve Statutes for gazettment in accordance with the Act;
- (c) determine the method of recruitment, appointment and promotion of all staff of the University;
- (d) appoint and determine the terms and conditions of service for all staff of the University;
- (e) confer after receiving a report from the Senate, the title of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;
- (f) approve the budget;
- (g) promote and to make financial provisions and facilities for execution of the functions of the University;
- (h) determine, after considering the recommendations of the Senate, all fees payable to the University;
- (i) 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, approve sell, purchase, exchange, lease, or take on, lease movable and immovable property on behalf of the University;
- (k) subject to the laid down government procedures, 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 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 sub-division 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) institute on the recommendation of the Senate fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
- (n) approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
- (o) 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) approve regulations governing the conduct and discipline of the students of the University;
- (q) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
- (r) 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) provide for the welfare of the staff and students of the University;
- (t) approve regulations governing the recruitment, conduct and discipline of the staff of the University;
- (u) monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
- (v) constantly review the viability and financial sustainability of the University, at least once every year;
- (w) ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards; and
- (x) perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

21. Senate

- (1) There shall be the Senate of the University as provided for in the Statutes
- (2) The Senate shall consist of—
 - (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of each constituent college;
 - (d) the Principals of each college within the University;
 - (e) the Registrars;
 - (f) all the Deans of faculties and Schools, the Directors of Institutes and Centres and other academic units;

- (g) the Associate Deans and Directors;
- (h) the Chairpersons of Departments;
- (i) the Professors of the University;
- (j) the University Librarian;
- (k) one representative of each of the college academic boards appointed by the respective boards from amongst its members;
- (l) one representative of each of the school academic boards appointed by the respective boards from amongst its members;
- (m) the Dean of Students;
- (n) subject to the Statutes, two members elected by the Students' Association; and
- (o) such other member as Council may determine in accordance with the Statutes.

(2) The members of the Students' Association shall not participate in the deliberations of the Senate on matters which are considered by the Chairperson of the Senate to be confidential, related to examinations, grades and such other issues that may pose a conflict of interest.

(3) The Deputy Vice-Chancellor in charge of Academic Affairs shall be the Secretary to the Senate.

(4) The functions of the Senate shall be to -

- (a) to recommend to the Council for 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 abolition or supervision of 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 any body 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 propose 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 all staff of the university;
- (y) to review the Statutes from time to time and to present recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years; and
- (z) to determine general policy matters relating to the library, laboratory facilities,

teaching aids, workshops and such other academic services which are in its view necessary for the furtherance of the academic objectives of the University.

(5) 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.

22. Students' Association

There shall be a Students' Association established in accordance with the Act, the Charter and the Statutes.

23. Alumni Association

(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.

(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.

PART IV – MANAGEMENT OF THE UNIVERSITY

24. The Management Board

(1) There shall be a Management Board which shall perform such functions as provided for in this Charter and the Statutes.

(2) The Management Board shall consist of—

(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; and

(f) such other members .

(3) The Chairperson of the Management Board may invite other officers of the University to attend management board meetings where specific matters pertaining to their departments or

offices are being discussed and such officers shall be in attendance but not be eligible to vote.

(4) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall—

- (a) encourage the rationalization and efficiency of the University services;
- (b) coordinate and control the development, planning, management and administration of the University and its resources in accordance with approved policies, rules and regulations;
- (c) submit proposals to the University Council concerning annual budgets, development priorities, staff development plans, terms and conditions of service, fund raising strategies, student welfare, public relations policies, academic partnerships and linkages with other universities, collaborations with industry, as well as any policies and any matters related to the development, management and administration of the University;
- (d) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the university;
- (e) advise the Council on the management, administration, and academic affairs of the University;
- (f) propose to the University Council rules and regulations for the administration of the University and for the execution of its programmes and plans;
- (g) establish any University charges and fees; and
- (h) perform any other duties related to the management of the University.

25. Staff of the University

(1) The members of staff of the University shall, be appointed either—

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

(2) 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.

(3) The members of staff of the University shall be—

- (a) subject to the general authority of the Council and of the Vice-Chancellor; and
 - (b) deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.
- (4) The teaching staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges within the University, the librarian and all members of staff who are engaged in teaching and research.
- (5) The senior management staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges of the University, the executive directors and such other members of staff as the Council may from time to time determine.
- (6) The administrative staff of the University shall consist of the registrars, the directors and such other members of staff engaged in general administration as the Council may, from time to time determine.
- (7) 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.
- (8) 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.

26. Performance of functions in absence or incapacitation of an office holders

- (1) In the event of incapacity of the Chancellor, the President may appoint a person to perform functions of the Chancellor for a period of three months.
- (2) In the event of incapacity of the Vice-Chancellor, the Cabinet Secretary on the recommendation of the Council may appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor for a period of three months.
- (3) In the event of the simultaneous incapacity of the Vice-Chancellor and all the Deputy Vice-Chancellors, the Chairperson of the Council, in consultation with the Chancellor, may appoint a member of the academic staff of the University to perform the functions of the Vice-Chancellor for a maximum period of three months.
- (4) In the event of incapacity of any member of staff of the University other than the Vice-Chancellor, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer for a period of up to three months.
- (5) In this section, "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes.

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

PART V—FINANCIAL PROVISIONS

27. Financial Year

In the event of any change in the financial year, and for the purposes of the transition from the old financial year to a new financial 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 financial year.

PART VI — MISCELLANEOUS PROVISIONS

28. Common Seal

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

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

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

(4) The general documents to be affixed with the seal will be as outlined in the Statutes.

29. Statutes.

(1) In the performance of its functions under this Charter, the Council shall, subject to the provisions of the Act, 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—

- (a) establishment of Colleges, Campuses, Faculties, Schools, Institutes And Centres of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirements for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescription of fees and other charges;

- (f) prescription the rules and regulations for the conduct and organisation 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, the Senate, and the University Management Board and provide for the establishment, composition and terms of reference of their respective committees; and
- (i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

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

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

30. Protection of Name

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "University" "Science", "Technology" or "Jaramogi Oginga Odinga" together in any order, unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the word "University" or "Jaramogi Oginga Odinga" together in any order and in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable on conviction to a fine not exceeding one million 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 or him a degree, diploma or certificate by the University subject to the Act.

31. Revocation of Order

(1) The Bondo University College Order, 2009 is hereby revoked.

(2) Notwithstanding the provisions of sub-section(1) , all agreements, 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.

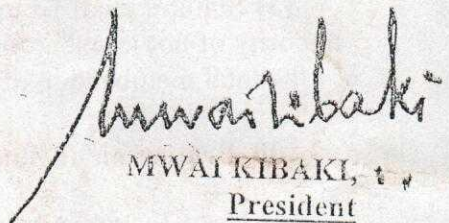
32. Transition

The students of the former Bondo University College pursuing diploma and certificate programmes as at the grant of the Charter shall be allowed to complete their courses and shall be awarded Diplomas and Certificates by the University.


33. Variation and Revocation of the Charter

This Charter may be varied or revoked in accordance with the provisions of the Universities Act, 2012.

Given under my hand and the public seal of Kenya on
the 13th day of February 2013.


MWAI KIBAKI,
President

Dated the 11th February 2013.


MARGARET KAMAR,
Minister for Higher Education, Science and Technology