

*UESA CONSTITUTION*



**UNIVERSITY OF EMBU**

**THE CONSTITUTION  
OF  
UNIVERSITY OF EMBU STUDENTS'  
ASSOCIATION (UESA)**

**2017**

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*To Promote Academic Excellence, Student Welfare, Liberty and Integrity*

*UESA CONSTITUTION*

<b>NAME:</b>	<b>UNIVERSITY OF EMBU</b>		
<b>TITLE:</b>	<b>THE CONSTITUTION OF UNIVERSITY OF EMBU STUDENTS' ASSOCIATION</b>	<b>Reference:</b>	<u>UoEm/1/01</u>
		<b>Issue/ Rev:</b>	<u>00</u>

**APPROVAL AND ISSUE DATE:**

Approved by:..... Date: .....

**VICE CHANCELLOR**

**Vision**

A world class hub in student development opportunities and services in a contemporary University environment.

**Mission**

To promote academic excellence, student welfare, liberty and integrity.

**Core Values**

Leadership

Integrity

Innovation

Teamwork

Justice

**TABLE OF CONTENTS**

TABLE OF CONTENTS ..... iv

DEFINITION OF TERMS..... 6

ABBREVIATIONS AND ACRONYMS..... 7

PREAMBLE..... 8

**SECTION ONE** ..... 9

    1.2 NAME..... 9

    1.3 UESA HEADQUARTERS..... 9

    1.4 AIMS AND OBJECTIVES ..... 9

**SECTION TWO** ..... 10

    2.1 MEMBERSHIP ..... 10

    2.2 RIGHTS AND PRIVILEGES OF MEMBERS..... 10

    2.3 CESSATION OF MEMBERSHIP..... 10

    2.4 OBLIGATION OF ALL MEMBERS..... 10

**SECTION THREE** ..... 11

    3.1 GENERAL MEETINGS..... 11

**SECTION FOUR** ..... 12

STUDENT COUNCIL (SC)..... 12

    4.1 OFFICE AND MEETINGS OF THE SC..... 12

    4.2 ESTABLISHMENT AND COMPOSITION OF THE SC..... 12

    4.3 FUNCTIONS OF THE STUDENT COUNCIL..... 12

    4.4 FUNCTIONS OF THE STUDENT COUNCIL MEMBERS..... 13

    4.5 MEETINGS OF THE STUDENT COUNCIL..... 16

    4.6 VACATION OF OFFICE..... 17

    4.7 STANDING COMMITTEES..... 17

**SECTION FIVE** ..... 20

ELECTIONS ..... 20

    5.1 THE STUDENT COUNCIL ELECTIONS..... 20

    5.2 ELECTION PRINCIPLES ..... 20

    5.3 THE ELECTORAL COLLEGES..... 21

    5.4 ESTABLISHMENT AND COMPOSITION OF THE ELECTORAL COMMISSION ..... 22

    5.5 AUTHORITY AND RESPONSIBILITY OF THE ELECTORAL COMMISSION ..... 22

    5.6 NOMINATION PROCEDURE..... 23

    5.7 QUALIFICATION FOR ELECTION TO THE STUDENT COUNCIL..... 23

*UESA CONSTITUTION*

5.8	DISQUALIFICATION FOR ELECTION TO THE STUDENT COUNCIL.....	23
5.9	QUALIFICATION FOR ELECTION AS ELECTORAL COLLEGE DELEGATE .....	24
5.10	DISQUALIFICATION FOR ELECTION AS ELECTORAL COLLEGE DELEGATE .....	24
5.11	CAMPAIGNS.....	24
5.12	ELECTION PROCEDURE .....	25
5.13	ELECTION OFFENCES.....	26
5.14	BY - ELECTIONS .....	26
5.15	ELECTIONS VOTE TIE.....	26
5.16	DISOLUTION OF THE ELECTORAL COMMISSION .....	26
5.17	ELECTION PETITIONS.....	27
5.18	TRANSITION .....	27
<b>SECTION SIX</b> .....		28
FINANCE .....		28
6.1.	SOURCES OF FINANCE .....	28
6.2.	EXPENDITURE.....	28
6.3.	FINANCIAL YEAR .....	28
6.4.	PETTY CASH .....	28
6.5.	SIGNATORIES TO THE UESA ACCOUNT.....	28
6.6.	BOOKS OF ACCOUNTS.....	29
6.7.	PROCUREMENT, INVESTMENTS AND ASSETS .....	29
<b>SECTION SEVEN</b> .....		30
MISCELLANEOUS.....		30
7.1	AMENDMENT OF THE CONSTITUTION.....	30
7.2	BREACH OF THE CONSTITUTION.....	30
7.3	DISPUTE RESOLUTION.....	30
7.4	VOTE OF NO CONFIDENCE.....	30
7.5	DISSOLUTION OF THE STUDENTS' ASSOCIATION.....	31
7.6	BY-LAWS AND POLICIES .....	31
7.7	LEGAL AND REGULATORY FRAMEWORK.....	32

## **DEFINITION OF TERMS**

- i. **The Constitution** – means the Constitution of University of Embu Students Association (UESA)
- ii. **Staff** – means the teaching and non-teaching employees of University of Embu (UoEm)
- iii. **Student** – means enrolled and bonafide students of UoEm as defined by the University Statutes
- iv. **The University** – means the University of Embu
- v. **Management** – means the University of Embu Management Board
- vi. **Council** – means the University of Embu Council constituted as per the Statutes, the Charter and the Act .
- vii. **Statutes** – means the Statutes of University of Embu.
- viii. **The Student Council** – means the supreme policy making organ of UESA comprising of the Executive and the Congresspersons.
- ix. **Dean of Students** – means the officer appointed by the Vice Chancellor of University of Embu as the Dean of Students as per the University of Embu Statutes.
- x. **The Charter** – means the Charter of the University of Embu.

**ABBREVIATIONS AND ACRONYMS**

- i. **SC** – The Student Council
- ii. **AGM** – Annual General Meeting
- iii. **SGM** – Special General Meeting
- iv. **SNS** – Special Needs Students

**PREAMBLE**

We, the students of the University of Embu:

- ❖ Acknowledging the supremacy of the Almighty God.
  
- ❖ Aware that the UESA constitution was established to promote academic excellence, student welfare, liberty and integrity.
  
- ❖ Appreciating the diverse cultural and religious backgrounds of our members.
  
- ❖ Determined that the values of justice, equality, discipline, transparency and accountability shall be prioritized in the association to ensure that democracy is practiced.
  
- ❖ Acknowledging the authority of the Laws of Kenya, the University of Embu Charter, and the statutes of the University of Embu.
  
- ❖ With consent of the University of Embu Council.

Do hereby declare that we and our future generations shall duly abide by this Constitution as the Constitution of UESA and as our governing law.



## **SECTION ONE**

### **1.2 NAME**

The name of the association shall be University of Embu Students' Association abbreviated as **UESA**.

### **1.3 UESA HEADQUARTERS**

The headquarters of the association shall be at the University of Embu Main Campus, P.O. Box 6-60100 Embu.

### **1.4 AIMS AND OBJECTIVES**

The aims and objectives of University of Embu Students Association shall be to:

- 1) Establish efficient and effective processes and organs for the making and implementation of UESA's policies.
- 2) Ensure that the rights of students are safeguarded in all matters relating to academics, welfare services, health services, arts, sports, entertainment, disciplinary actions and security.
- 3) Advance gender equity and integration of persons with special needs within the University and society at large.
- 4) Create and maintain mutual relationships and confidence between the student body and the University of Embu management and staff.
- 5) Participate actively in community service and related projects in compliance with the University community social responsibility objectives.
- 6) Raise funds through lawful means for purposes of achieving the aims and objectives of UESA.
- 7) Honor members of the student body who have made outstanding contributions to the University in academics and extra-curricular activities in consultation with the University Management.
- 8) Carry out such other activities that may be incidental to achievement of the above activities.

## **SECTION TWO**

### **2.1 MEMBERSHIP**

All students enrolled in the University of Embu for a programme leading to award of a certificate, diploma or degree shall automatically become members of University of Embu Students Association.

### **2.2 RIGHTS AND PRIVILEGES OF MEMBERS**

- 1) Every member shall have the right to access the services and facilities offered by UESA provided that such access shall be through appropriate and legal means.
- 2) Every member shall have the right to inspect the books of accounts and audit reports of UESA fourteen days after having delivered a written notice to the Treasurer.
- 3) Every member shall have the right to inspect the minutes of previous meetings of UESA fourteen days after having delivered a written notice to the Secretary General.
- 4) Upon joining the University, every member is entitled to access a free copy of this Constitution.
- 5) A member may petition the Secretary General to call a special General Meeting, as long as the petition is supported by at least two thirds of UESA members.
- 6) A 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 CESSATION OF MEMBERSHIP**

- 1) Association membership shall cease:
  - a) Upon completion of a member's study programme at the University.
  - b) When a member of UESA ceases to be a student of University of Embu; upon transfer to another university, death, discontinuation or expulsion by the University.
- 2) A person who ceases to be a member of UESA shall not be entitled to a refund or compensation for any membership or subscription fee, or donation made to UESA.

### **2.4 OBLIGATION OF ALL MEMBERS**

- 1) Every member shall recognize UESA officials as legitimate representatives of the student body and shall duly abide by all constitutional decisions made by the SC.
- 2) Every member shall respect the property of the University, University of Embu Students Association and the public or otherwise be subjected to the disciplinary provisions of the University and laws of Kenya.
- 3) Every member shall be required to honor his/her financial obligations to UESA.

## **SECTION THREE**

### **3.1 GENERAL MEETINGS**

- 1) These include the Annual General Meeting (AGM) and Special General Meetings (SGM).
- 2) The AGM shall be held not later than 12 months following the last Annual General Meeting.
- 3) SGM may be called for any specific purpose by the SC or through an ordinary member that manages to get a petition signed by at least a quarter of the members of UESA through the Secretary General.
- 4) The Secretary General shall issue in writing a notice and the agenda for the General Meetings not less than fourteen days before the date of meeting for an AGM and not less than seven days before the meeting for an SGM.
- 5) The annual report and accounts shall be tabled at the Annual General Meeting and shall be open for inspection by members.
- 6) Every member shall have the right to attend General meetings.
- 7) Unless otherwise provided for in the constitution, every resolution at the AGM shall be passed by a simple majority vote of those present and voting in the meeting.
- 8) Voting at the AGM shall be by a simple majority vote of those present by raising of their hands unless two thirds of the members present and voting resolve otherwise.
- 9) The quorum for commencement of business at General meetings shall be forty percent of members in session. However, if quorum is not reached thirty minutes after the time scheduled for beginning the meeting, then the Chairperson shall commence and conduct the business of the meeting and the resolutions made shall be binding to all members of UESA.
- 10) The Chairperson shall call for General meetings through notices issued by the Secretary General or in his/her absence by any member of Student Council as shall be determined by the Student Council.
- 11) The Agenda of any AGM other than that requisitioned in notice shall be:
  - a) Confirmation of the minutes of the previous AGM by the Secretary General.
  - b) Tabling of audited annual reports and accounts by the Treasurer.
  - c) Consideration and adoption of Annual Reports and Accounts.
  - d) General Report by the Chairperson.
  - e) Any other business proposed relevant to enhancing the functions and operations of UESA with the approval of the Chairperson.

## SECTION FOUR

### STUDENT COUNCIL (SC)

#### 4.1 OFFICE AND MEETINGS OF THE SC

- 1) The office of the Student Council shall be located at the University of Embu (1.2).
- 2) Meetings of the Student Council shall be held at the University of Embu or as otherwise suggested by the Student Council and approved by the Vice-Chancellor.

#### 4.2 ESTABLISHMENT AND COMPOSITION OF THE SC

There shall be established a Students Council of the UESA which shall be the supreme policy making organ.

The SC shall consist of:

- 1) Chairperson
- 2) Vice-Chairperson who shall be of opposite gender from the Chairperson
- 3) Treasurer
- 4) Secretary-General who shall be the secretary to the Council;
- 5) Three other members to represent special interests of students.
- 6) Dean of Students (Ex-Officio Member).

#### 4.3 FUNCTIONS OF THE STUDENT COUNCIL

- 1) The SC shall have **authority** and **responsibility** to:
  - a) **Observe** the laws of Kenya, UoEm Charter, UoEm Statutes, University Policies and regulations, this Constitution, the by-laws and policies of University of Embu Students Association in all its activities.
  - b) **Enact** rules and regulations of UESA subject to this constitution.
  - c) **Be** the Chief Administrative and Managerial organ of UESA subject to the provision of this Constitution.
  - d) **Consider** and propose amendments to this Constitution to be approved by the Annual General Meeting and the University Management and Council.
  - e) **Approve** the list of students members appointed to the Electoral Commission.
  - f) **Monitor** the implementations of resolutions made by UESA in the General Meetings.
  - g) **Recommend** to the University Management a review of the allowances and remunerations payable to UESA officials from time to time.

## *UESA CONSTITUTION*

- h) **Determine** the composition and membership of standing committees including maximum number members per committee.
- i) **Prepare** the UESA annual budget and forward to UoEm Management for approval.
- j) **Deal** with any petition lodged to it by any member through the office of the Secretary General on account that any organ of UESA has failed to act as stipulated in the constitution.
- k) **Meet** at least once a month.
- l) **Handle, manage or deal** with any matters directly affecting or incidental to the governance of UESA.
- m) **Appoint** the secretariat of UESA SC.
- n) **Ensure** that all members uphold this constitution and that this constitution is free from all willful interference.
- o) **Present** in the third month of the first semester:
  - i) Four (4) student members (two males and two females) for nomination to the Electoral Commission of University of Embu.
  - ii) Two (2) student members (one male and one female) for nomination to the Elections Appeals Committee.

### **4.4 FUNCTIONS OF THE STUDENT COUNCIL MEMBERS**

#### **1) THE CHAIRPERSON**

- a) Subject to this Constitution, the Chairperson shall perform all duties stated in the constitution and those delegated to him by the Student Council consistent with the laws and regulations of the University.
- b) Be a custodian of the constitution and ensure that it is free of willful and malicious interference.
- c) Being the Chairperson of the UESA Student Council, shall be subject to this constitution and answerable to all matters on behalf of the University of Embu Students.
- d) Be responsible for the overall administration of UESA.
- e) Following due consultations with other available members of the Student Council (SC), The Chairperson shall make emergency decisions that are in the best interests of the UESA and which shall be reported to the SC at its next sitting.
- f) Preside over meetings of the Student Council, Annual General Meetings and Special General Meetings unless incapacitated by reason of illness or any other reasonable cause.
- g) The Chairperson shall represent UESA at any university committee requiring student representation.
- h) Be a co- signatory to all UESA account withdrawals and other negotiable instrument.
- i) Be an ex-officio member of all standing Committees of the Student Council.

- j) Sign confirmed minutes of the Student Council and UESA meetings.
- k) Address public functions at the invitation of the University.
- l) Receive any academic issues from students and give reports to respective authorities.
- m) In the event that the Vice-Chairperson is unavailable to act on his/her behalf, the Chairperson shall appoint in writing an Acting Chairperson when he/she is absent with permission.

## **2) THE VICE-CHAIRPERSON**

### **The Vice-Chairperson of UESA shall:**

- a) Deputize the Chair
- b) Act as the Chairperson when the substantive Chairperson is away.
- c) Promote awareness among members regarding student related policies, procedures and regulations of the University.
- d) Co-ordinate student representation in various University Committees.
- e) Chair the student Security Affairs Committee as stipulated under this constitution.
- f) Chair the Student Welfare Committee
- g) Represent UESA at the Student's Welfare Committee of the University.
- h) Receive and forward issues relating to health, catering and accommodation and follow up with relevant departments.
- i) Subject to this constitution, perform duties as delegated to him/her by the Chairperson or Student Government.
- j) Represent the Students Association in meetings that require student's representation.

## **3) THE SECRETARY GENERAL**

### **The Secretary General of the UESA shall:**

- a) Keep true and accurate records of the proceedings of every meeting of the Student Council, Annual General Meetings and the Special General Meetings.
- b) Maintain and have custody of all UESA correspondence as directed by the Student Council.
- c) Keep all records and documents including files, minutes and registers.
- d) Keep an accurate register of members and make it available for purposes which include but not limited to dissolution, vote of no confidence or elections.
- e) Act as the official spokesperson of UESA.
- f) Issue notices of meetings of the Annual General Meetings and Special General Meeting.

## *UESA CONSTITUTION*

- g) Manage and regularly update the University of Embu Student Association website.
- h) Co-ordinate activities of standing Committees in consultation with their chairpersons.
- i) In the absence of the Chairperson and Vice-Chairperson, be a signatory of the UESA account.
- j) Arrange venues for meetings and sittings of SC.
- k) Co-ordinate activities of religious groups in consultation with their chairpersons.
- l) Co-ordinate the activities of the Student Council with UESA'S organs.
- m) Co-ordinate entertainment activities.
- n) Subject to this constitution, perform duties as delegated to him/her by the student council.

### **4) THE TREASURER**

#### **The Treasurer of UESA shall:**

- a) Be in-charge of management of the finances of the association.
- b) Coordinate fundraising and income generating activities.
- c) Keep proper books of accounts and avail them for audit and inspection.
- d) Ensure that University of Embu Students Association finances are well managed.
- e) Ensure that every payment and expenditure is duly authorized.
- f) Be a signatory to the UESA Account and other instruments together with the Chairperson and Dean of Students
- g) Prepare and present the annual budget to Student Council at the beginning of the UESA's financial year.
- h) Ensure that audited accounts are tabled before the Annual General Meeting.
- i) Serve as the custodian of UESA's investments and assets.
- j) Ensure that sufficient internal controls exist to protect the Assets of UESA.
- k) Subject to this constitution, perform duties as delegated to him/her by the SC.

### **5) MALE AND FEMALE REPRESENTATIVES**

#### **The male and female representatives shall:**

- a) Monitor sanitation of area of resident of students.
- b) Be a member of welfare committee of the SC.
- c) Follow up with respective authorities within and outside of the institution to ensure hostels are in good condition for the use of UESA members.

## *UESA CONSTITUTION*

- d) Monitor the state of security of the residential areas used by students and raise concerns with the relevant authorities.
- e) Articulate needs, aspirations and interest of students on matters related to residency.
- f) Report and receive health related cases to relevant authorities.
- g) Monitor the status of health services and liaise with the relevant authorities to ensure student health needs are taken care of.
- h) Notify relevant offices about areas or facilities that require replacement or installation in the hostels.
- i) Liaise with the office of the Dean of Students and the University Sports Department to ensure members welfare in matters pertaining to sports.
- j) Represent UESA in all University Sports committees.
- k) Report cases of breach of hostels rules.
- l) Perform any other functions as may, from time to time, be assigned by the SC.

### **6) SPECIAL NEEDS REPRESENTATIVE**

#### **The special needs representative shall:**

- a) Advance equity and integration of persons with special needs within the University and society at large.
- b) Propose policy formulation related to SNS.
- c) Co-ordinate with the office of Dean of Students and the University's Departments/sections/committees & SC related to SNS to ensure SNS concerns are mainstreamed in university activities & meetings.
- d) Chair the Special Needs Committee of the Student Council
- e) Receive and forward to relevant departments UESA member's requests for assistance and in particular requests affecting SNS.
- f) Subject to this constitution, any other duty as may be delegated by the SC

### **4.5 MEETINGS OF THE STUDENT COUNCIL**

- 1) The Chairperson shall convene every meeting of the Student Council.
- 2) The Chairperson shall preside over meetings of the Student Council.
- 3) The Student Council shall meet at least once every month during a semester.
- 4) At all meetings of the Student Council, a quorum shall be the nearest whole number above half the membership of the Council.
- 5) Decisions of the Student Council shall be by consensus.



## *UESA CONSTITUTION*

- 6) In the event of no consensus, a simple majority vote of those present and voting, provided that the Chairman of the Council shall have a casting vote in case of an equality of votes
- 7) A member who fails to attend two consecutive meetings of the Student Council shall lose his/her next financial allowance payable.
- 8) In the absence of the Chairperson and the Vice-Chairperson, the members present and forming a quorum shall elect any member of the Student Council to chair the meeting.

### **4.6 VACATION OF OFFICE**

- 1) A member of the Student Council shall vacate office when the member:
  - a) Is found liable for negligence and mismanagement of the affairs of UESA.
  - b) Completes his/her term and a newly elected office bearer is inaugurated in accordance with the provision of this Constitution.
  - c) Ceases to be a student of the University of Embu.
  - d) Submits a letter of resignation to the Chairperson of SC.
  - e) Receives a vote of no confidence.
  - f) Is discontinued or expelled from the University.
  - g) Is found guilty of violating this Constitution and the University's Statutes.
  - h) Is convicted of a criminal offence by a court of law.
  - i) Is unable to execute the functions of his/her office by reason of infirmity of body or mind.'
- 2) If a seat becomes vacant, the vacant office shall be filled as follows:
  - a) If the Chairperson vacates office, the Vice-Chairperson shall assume office in an acting capacity as per the regulations in section 5.14 (2).
  - b) For other positions, the Student Council will meet and appoint one of its members to fill the vacancy until the end of the term.
  - c) In the event that a majority of the Student Council members vacate office, the Student Council shall stand dissolved until a by-election is held.

### **4.7 STANDING COMMITTEES**

- 1) There shall be standing committees of SC chaired by members of the SC.
- 2) Each standing committee shall have a chair, a secretary and at least three other members.
- 3) The members of the standing committees shall be determined and approved by the SC from among elected School Representatives, members of the SC and from among members of Electoral College Delegates as may be deemed necessary.

- 4) The SC must ensure that the elected School Representatives and the Electoral College Delegates are appointed to at least one standing committee before appointment to another.
- 5) The criteria for appointment to a standing committee shall be determined by SC.
- 6) The Student Council may establish other standing committees with such membership and such terms of reference as shall be spelled out by the SC.

**a) ACADEMIC AFFAIRS COMMITTEE (AAC): Chaired by the Chairperson**

**Terms of reference**

- i) To promote the academic welfare of University of Embu students
- ii) To identify academic challenges that members may face and propose solutions for the same
- iii) Sensitize members of UESA on mechanisms available in the University to protect them against any form of harassment and victimization related to academic matter.
- iv) Organize public lectures, seminars and exhibition in consultation with the university at least once every academic year.

**b) SECURITY, SAFETY, HEALTH AND WELLNESS COMMITTEE: Chaired by the Vice-Chairperson**

**Terms of reference**

- i) Propose ways of dealing with security, safety, health and wellness concerns raised by members
- ii) Liaise with the relevant University departments to address concerns appertaining to the scope of the committee.

**c) SPORTS AND WELFARE COMMITTEE (WC): Chaired by the Vice-Chairperson .**

**Terms of reference**

- i) To propose ways of addressing the various challenges in students sports, accommodation and catering.
- ii) Assist in coordinating participation of students in community services and related projects.
- iii) Establish and maintain cordial relationship with catering, accommodation, estates, and any other department/sections within the university whose services affect the living environment of members.
- iv) Support sports and religious activities.

**d) PLANNING AND FINANCE AFFAIRS COMMITTEE (PFAC): Chaired by the Treasurer**

**Terms of reference**

- i) Fundraising and resource mobilization
- ii) Advise the student council on finance related issues.

**e) ENTERTAINMENT AND RECREATION COMMITTEE (ERC): Chaired by Secretary General**

**Terms of reference**

- i) To propose entertainment and recreation activities.
- ii) To assist in organizing entertainment events within the university.

**f) INFORMATION AND COMMUNICATION COMMITTEE (ICC): Chaired by the Secretary General**

**Terms of reference**

- i) Plan outreach and publicity campaigns useful to the members.
- ii) Collect and produce periodicals or magazines, newsletters and articles make them available to UESA members.

**g) SPECIAL NEEDS COMMITTEE (SNC): Chaired by Special Needs Representative**

**Terms of reference**

- i) Advise the student council on gender and special needs concerns.
- ii) Organize activities for special needs students.
- iii) Mainstream participation of special needs students in the university activities.

## **SECTION FIVE**

### **ELECTIONS**

#### **5.1 THE STUDENT COUNCIL ELECTIONS**

- 1) The Students Council shall comprise of the following elective posts;
  - a) Chairperson;
  - b) Vice-Chairperson who shall be of opposite gender with the Chairperson;
  - c) Treasurer;
  - d) Secretary-General who shall be the secretary to the Council; and
  - e) Three (3) other members to represent special interests of students.
- 2) The Elections for the Student Council shall be conducted in accordance with the Universities (Amendment) Act, 2016, and its membership shall;
  - a) reflect national diversity,
  - b) have not more than two-thirds of its members being of the same gender.
- 3) A member of the Student Council shall hold office for a term of one year and may be eligible for re-election for one final term.
- 4) A person who has held office as a member of the Student Council of another University for two terms is disqualified from election as a member of the Student Council.
- 5) An election conducted pursuant to this section shall comply with the general principles of the Kenyan electoral system under Article 81 of the Kenyan Constitution and the rules governing the election of members of the Student Council as may be published and revised by the Electoral Commission from time to time.
- 6) The electoral commission shall have full and exclusive powers to formulate and interpret rules and regulations for the proper conduct of elections and the implementation of this Chapter.

#### **5.2 ELECTION PRINCIPLES**

The elections shall be;

- a) free and fair
- b) by secret ballot;
- c) free from violence, intimidation, improper influence or corruption;
- d) conducted solely by an Independent Electoral Commission;
- e) transparent;
- f) administered in an impartial, neutral, efficient, accurate and accountable manner; and

- g) based on the right of every member to vote and to be elected and to hold office if he/she wins.

### **5.3 THE ELECTORAL COLLEGES**

- 1) For purposes of conducting the election of the members of the Student Council referred to in subsection 5.1(1), the Students' Association shall constitute itself into Electoral Colleges based on academic schools, or any other academic unit as may be appropriate. Provided that such a unit shall have students on fulltime basis with a minimum student population as shall be determined by the University of Embu Electoral Commission.
- 2) The students of each Electoral College constituted under subsection 5.3(1) above shall elect three representatives
  - a) from amongst persons who are not candidates for posts stated in 5.1 (1) above; and;
  - b) of whom not more than two-thirds shall be of the same gender.
- 3) To ensure the realization 5.3 (2) (b), each school shall elect school male representative, one school female representative and one overall school representative from either gender.
- 4) The representatives of each Electoral College shall then elect the members of the Student Council at the Delegates Conference at a time and venue determined by the Electoral Commission within a period not exceeding thirty days after the election of the Electoral College delegates.
- 5) The Electoral Commission shall give guidelines on the voting procedures to be adopted at the Delegates Conference while electing the Student Council members in 5.1 (1).
- 6) In the event an Electoral College Delegate fails to turn up at the Delegates Conference, voting for the SC members shall be delayed for ten (10) minutes to allow that delegate to show up. If the said delegate does not show up within the stipulated time, the candidature of that delegate shall be nullified by the Electoral Commission and the runners up shall be called upon to replace the late/absent delegate.
- 7) In the event that all delegates do not show up at the Delegates Conference meaning that it is not possible to elect the SC, the University Management shall dissolve the electoral colleges and appoint a care taker team comprising of a Chairperson, Vice-Chairperson, Secretary and Treasurer to represent the students on an interim basis until fresh elections are held.
- 8) The Delegates Conference shall stand dissolved after the election of members of the Student Council.
- 9) The Electoral College Delegates may be nominated as members of the standing committees to provide advice to the Student Council but will not have any decision making powers.

#### **5.4 ESTABLISHMENT AND COMPOSITION OF THE ELECTORAL COMMISSION**

- 1) The Vice Chancellor shall appoint Electoral Commissioners at least three weeks before the end of the first semester.
- 2) The Electoral Commission shall consist of between 5 and not more than 12 members appointed by the Vice Chancellor; this shall include the Chairperson, Deputy Chairperson, the Returning Officer, four (4) student representatives approved by the outgoing SC, and other additional members deemed to be beneficial to the electoral process.
- 3) There shall be two (2) permanent officials of the Electoral Commission who shall be the Chairman and the Dean of Students.
- 4) The Dean of students shall be responsible for administration and financial matters of the Electoral Commission.
- 5) Members who have served in SC during the Academic Year of the scheduled elections shall not be eligible for appointment to the Electoral Commission.

#### **5.5 AUTHORITY AND RESPONSIBILITY OF THE ELECTORAL COMMISSION**

Subject to the provision of this constitution the Electoral Commission shall;

- 1) Conduct and supervise elections.
- 2) Promote free, fair and credible elections.
- 3) Determine the dates for application and submission of nominations.
- 4) Determine the elections date as guided by this constitution.
- 5) Supervise the preparation of voter registers, ballot papers, ballot boxes and designation of polling stations.
- 6) Prepare and circulate election rules, regulations and guidelines
- 7) Appoint appropriate persons to assist in elections.
- 8) Prepare and post a list of candidates who qualify to be in the ballot paper and a list of applicants disqualified for elections with reason for disqualifications.
- 9) Regulate and supervise campaigns.
- 10) Release results of vote counting at various polling stations and the final tallied results.
- 11) Have the power to warn candidates of disqualification and to disqualify them for violation of the Electoral Code.
- 12) Have the power to take any other action it deems necessary to ensure that the elections are transparent fair and credible.

## **5.6 NOMINATION PROCEDURE**

- 1) The Electoral Commission shall publish the timelines to be adhered to for all the steps in the nomination process.
- 2) Nomination papers shall be picked from the Electoral Commission as soon as the Student Council positions have been declared vacant.
- 3) Nomination forms shall be issued or returned only during the designated days during working hours.
- 4) Nomination for Student Council positions shall be signed by the candidate and at least 50 nominators who must be members of UESA.
- 5) Nomination for Electoral College representatives shall be signed by the candidate and at least 25 nominators who must be members of their respective college.
- 6) The Electoral Commission shall announce and cause to be prominently published immediately thereafter, the successfully nominated candidates.
- 7) A candidate who is validly nominated may withdraw his/her candidature through a written notice signed by the candidate and attested to by three witnesses.
- 8) If only one candidate has been nominated for a position, that candidate shall be declared unopposed at the end of the nomination period.

## **5.7 QUALIFICATION FOR ELECTION TO THE STUDENT COUNCIL**

- 1) Must be a registered student of University of Embu.
- 2) Must be of good academic standing and have attained a minimum qualification of a mean grade - **B** during the semester immediately preceding the election.
- 3) No candidate shall vie for elections to the Student Council in more than one elective post.
- 4) Any student who will not be available to serve for the entire term shall not be eligible for nomination
- 5) Candidates for the position of Chairperson shall have a running mate of the opposite gender, who shall automatically be the Vice-Chairperson if they win the Election.

## **5.8 DISQUALIFICATION FOR ELECTION TO THE STUDENT COUNCIL**

- 1) If one is a member of the Electoral Commission of University of Embu or the Elections Appeals Committee.
- 2) If one is a candidate for a position in the Electoral College.
- 3) If one has been discontinued or expelled by the University.
- 4) If one has been previously been removed from office for violation of this constitution.

- 5) If one has served two terms in the same office.
- 6) If one has been a full-term member of a Student Council in another University in Kenya.
- 7) If one has been convicted of any criminal charges under the laws of Kenya
- 8) If one has been found guilty of an offence by the Students' Disciplinary Committee in the last one academic year.

### **5.9 QUALIFICATION FOR ELECTION AS ELECTORAL COLLEGE DELEGATE**

- 1) Must be a registered student of University of Embu.
- 2) Must be of good academic standing and have attained a minimum qualification of a mean grade - **B** during the semester immediately preceding the election.
- 3) Must be registered in the specific unit (School, Department, Centre, Institute or other as may be appropriate) of the Electoral College that he/she seeks to represent.
- 4) Must not be candidate for any position in the Student Council.

### **5.10 DISQUALIFICATION FOR ELECTION AS ELECTORAL COLLEGE DELEGATE**

A member is disqualified for the election as an Electoral College Delegate if at the time of election he/she:

- 1) Is a member of Electoral Commission of University of Embu or the Election Appeals Committee.
- 2) Has previously been removed from office for violation of this Constitution.
- 3) Has been a full-term member of a Student Council in another University in Kenya.
- 4) Has been convicted of a criminal offence under the laws of Kenya.
- 5) Is already nominated as a candidate to the SC for the same term of office as the vacancy he/she seeks to fill in such elections.
- 6) Has been found guilty of an offense by the Students' Disciplinary Committee in the last one academic year.

### **5.11 CAMPAIGNS**

- 1) Official campaign shall begin after the announcement of the list of nominees by the Electoral Commission.
- 2) The Electoral Commission shall designate specific days for campaigns.



## *UESA CONSTITUTION*

- 3) The Electoral Commission shall communicate regulations governing the conduct of campaigns by the candidates and the candidates shall be required to undertake and observe the regulations by signing the elections code of conduct.
- 4) The Electoral Commission shall be the sole interpreter of any such regulation subject to the complaints procedures outlined in the constitution.
- 5) The Electoral Commission shall designate specific areas for candidates to mount their posters and any other campaign materials which must be strictly adhered to.
- 6) Candidates shall organize, finance and conduct individual campaigns as per the campaign procedures.
- 7) Candidates for election to the Student Council may participate in a question and answer forum organized and supervised by Electoral Commission.

### **5.12 ELECTION PROCEDURE**

- 1) Elections shall be held in the second semester of every academic year.
- 2) The Electoral Commission shall:
  - a. declare all positions vacant,
  - b. announce the dates for elections,
  - c. call for submission of nomination forms
  - d. Receive nomination papers and confirm the eligibility of the nominators.
  - e. Prepare and post on designated notice boards the list of candidates who are validly nominated and those who are unsuccessful.
- 3) Voting shall be done by secret ballot and on one member one vote basis.
- 4) Only students in session during the election semester will be allowed to vote.
- 5) Students shall be required to produce a valid student ID and a valid National ID card or valid passport.
- 6) The voters register shall be prepared by the Electoral Commission.
- 7) Immediately after voting, votes shall be counted at the respective polling stations presided by a Presiding Officer.
- 8) Tallying shall be presided over by the Returning Officer
- 9) Whenever there is a tie, fresh elections shall be conducted until a candidate obtains simple majority.
- 10) A candidate may withdraw his/her candidature by submitting a signed statement of withdrawal to the Electoral Commission seventy two hours after nomination.
- 11) A candidate may nominate two polling agents who shall witness the voting at the polling station but only one polling agent is allowed to witness the counting of the ballot papers.
- 12) A candidate may be present personally during counting of the ballot papers and can witness the counting of the papers.

- 13) A candidate shall be declared winner upon acquiring the highest number of votes cast.
- 14) A candidate shall be entitled to a maximum of three recounts.
- 15) The Chairperson of the Electoral Commission shall announce the election results for both Electoral College delegates and the student council immediately and post the results of the election in the University Notice Boards within twenty four hours following the official announcement of the results.

### **5.13 ELECTION OFFENCES**

- 1) The Electoral Commission shall disqualify from elections any candidate found guilty of committing an electoral offence, committed either by the candidate or his/her agents.
- 2) If the Electoral Commission successfully convicts a winning candidate of an electoral offence, then the Chairperson of the Electoral Commission shall declare a re-run of the election and set a date for the re-run.

### **5.14 BY - ELECTIONS**

- 1) By elections shall be held whenever an office or seat falls vacant. The Chairman of the Electoral Commission shall arrange for a by-election. By-elections shall be held due to:
  - a) Death/mental infirmity/physical infirmity.
  - b) Successful petition.
  - c) Vote of no confidence by the SC.
  - d) Cessation of studentship through discontinuation or expulsion.
  - e) Resignation.
  - f) Imprisonment.
- 2) A by-election shall take place within thirty days of an office falling vacant but no by-election shall be held at most three months to the General Election.

### **5.15 ELECTIONS VOTE TIE**

- 1) If candidates in an election for Electoral College Delegates tie in the vote tally, the tied candidates will be given an opportunity to agree amongst themselves who becomes the delegate. However, if there are unable to agree, the Chairperson of the Electoral Commission shall decide on a criteria for choosing one delegate from among the candidates that tied.
- 2) If candidates in an election for SC tie, the Delegates Conference will continue voting following a procedure that shall be determined by the Electoral Commission until a clear winner is found.

### **5.16 DISOLUTION OF THE ELECTORAL COMMISSION**

- 1) If there is no petition filed against election results, the Chairperson of the Electoral Commission shall dismiss members of the Electoral Commission and submit the election results to the University management.

## *UESA CONSTITUTION*

- 2) In case of a petition, the Electoral Commission shall await a decision in the matter by the Elections Appeals Committee and after the Elections Appeals Committee has made its judgment on the petition and informed the Electoral Commission then the Chairman of the Electoral Commission shall dismiss the members of the Commission and submit the election results to the University's Management Board.

### **5.17 ELECTION PETITIONS**

- 1) The Election Appeals Committee shall consist of:
  - a) Three senior members of staff appointed by the Vice-Chancellor.
  - b) Two ordinary members of UESA, male and female who are finalists and named by the outgoing Student Council.
  - c) Dean of Students as an ex officio member.
- 2) Petitions must be lodged not later than 72 hours after the elections.
- 3) Petitions must be signed by the petitioner and at least twenty members of UESA.
- 4) The Chairperson of the Election Appeals Committee shall notify parties concerned of petitions within forty eight hours of lodging.
- 5) The petitioner or the respondent may be allowed to have legal representation.
- 6) The decision of the Election Appeals Committee shall be final and binding and shall be submitted to the Electoral Commission for execution.

### **5.18 TRANSITION**

- 1) The office-bearers in office in the period immediately preceding elections will remain in office and continue serving in an interim capacity until new elected officials are sworn in.
- 2) The winning candidates shall be issued with certificates by the Chairperson of the Electoral Commission.
- 3) The winning candidates shall be sworn in at a ceremony to be organized by the Electoral Commission.
- 4) The ceremony shall take place in public within the University during daytime and not later than seventy two (72) hours after the announcement of the results.
- 5) The elected officials shall take office upon being sworn in.

## **SECTION SIX**

### **FINANCE**

#### **6.1. SOURCES OF FINANCE**

UESA shall secure its revenue from lawful sources including but not limited to:-

- 1) Membership fees.
- 2) Nomination fees.
- 3) Allocation from the University.
- 4) Donations and grants.
- 5) Revenue earned from income generating activities duly approved by the University Management Board.
- 6) Any other sources approved by the University Management Board.

Membership fee shall be reviewed from time to time has found necessary by the SC.

#### **6.2. EXPENDITURE**

The expenditure of UESA shall be approved in the first instance by the University Management Board (UMB) on the recommendation of SC and expended on day to day basis by the Treasurer and the overall guidance of University Finance Officer.

#### **6.3. FINANCIAL YEAR**

The financial year of UESA shall run from January 1<sup>st</sup> to December 31<sup>st</sup> the same year.

#### **6.4. PETTY CASH**

- 1) The Treasurer may keep some amount of money for petty cash disbursement as determined by SC.
- 2) The treasurer shall keep a specified amount of petty cash as may be determined by the SC from time to time.
- 3) After the previous amount of petty cash is exhausted the Treasurer shall make subsequent withdrawal only with the approval of the SC.

#### **6.5. SIGNATORIES TO THE UESA ACCOUNT**

- 1) Subject to the approval by SC, UESA may operate various votes within the University as appropriate.
- 2) The signatories to the UESA vote shall be;

- a) The Treasurer.
- b) The Chairperson.
- c) The Dean of Students.

**6.6. BOOKS OF ACCOUNTS**

- 1) UESA shall maintain proper books of account that shall be made available for University internal audits.
- 2) UESA accounts shall be audited by the University internal auditor before the AGM

**6.7. PROCUREMENT, INVESTMENTS AND ASSETS**

- 1) The SC in consultation with UMB will determine the most appropriate investments and assets management strategies.
- 2) SC shall follow provisions of the Public Procurement Laws in the awarding of tenders for supply of goods and services for UESA.

## SECTION SEVEN

### MISCELLANEOUS

#### 7.1 AMENDMENT OF THE CONSTITUTION

- 1) Any amendment of this constitution must be in line with the legal and regulatory framework specified under section 7.7 of this constitution.
- 2) Any member of Student Association may propose an amendment to the constitution by bringing to SC for debate a motion to amend the Constitution in writing.
- 3) SC shall pass the motion by a two-thirds majority of the members present.
- 4) Any proposed amendment to this constitution shall be presented at a General Meeting.
- 5) An amendment must be approved by at least two thirds of UESA members present at the General Meeting.
- 6) The implementation of the amendment shall be effected upon approval by the University Management, Senate and Council.
- 7) Any General Meeting to amend the constitution must be held in the semester preceding the election semester.

#### 7.2 BREACH OF THE CONSTITUTION

- 1) Any person or group of member breaching the UESA constitution shall be subjected to University disciplinary procedures.

#### 7.3 DISPUTE RESOLUTION

- 1) All disputes regarding interpretation and implementation of this constitutions shall be resolved under the Dean of students' office through the following:
  - a. Mediation
  - b. Conciliation
  - c. Negotiation
- 2) Where such methods as described above fail parties shall proceed to arbitration
- 3) For purposes of number 2 above, there shall be an arbitrator who shall be appointed by University from among members of the University staff on the recommendation of SC subject to the approval of the Vice Chancellor.

#### 7.4 VOTE OF NO CONFIDENCE

- 1) A vote of no confidence in any SC member or office bearer shall originate from a member(s) of UESA as provided here under

## *UESA CONSTITUTION*

- a) A vote of no confidence in the SC or any member of the Student Council individually shall require a petition by at least a quarter of members of UESA.
  - b) In the event that a petition for a vote of no confidence against a member of the SC is submitted a motion shall be tabled at the SC and it shall be carried if at least two thirds (2/3) of the members of the SC vote in its favor.
  - c) In the event that a petition for a vote of no confidence against the SC is submitted a motion shall be tabled at a General Meeting and it shall be carried if at least two thirds (2/3) of the members present vote in its favor.
  - d) In the event of the vote of no confidence being carried as provided for herein, such member(s) shall instantly vacate office(s).
  - e) In the event of vote of no confidence against the whole of the SC as provided for herein, a by election(s) in respect thereof shall be held within twenty one days thereafter.
- 2) **WHERE** a vote of no confidence against the whole SC passes, the University Management shall appoint a care taker team whose membership shall be as provided for in 5.3(7) to run the affairs of UESA pending a by –election.

### **7.5 DISSOLUTION OF THE STUDENTS' ASSOCIATION**

- 1) The association shall not dissolve except by a resolution passed by an AGM by a vote of at least two thirds of all UESA members.
- 2) Where such a motion to dissolve is duly passed, UESA shall cease existence where after the advisor shall settle any debts or lien owing as first and paramount consideration the assets or profit thereof shall be bequeathed to students association or projects which has a similar mandate as the AGM or SGM dissolving UESA shall decide.
- 3) If UoEm ceases to exist.

### **7.6 BY-LAWS AND POLICIES**

- 1) Subject to this constitution, the Student Council shall prepare the by-laws and policies governing the functions of UESA and submit them to SC for ratification.
- 2) Any member of SC may propose a by law or policy that shall be submitted to the relevant Standing Committee for discussion and then if approved by that committee tabled in SC.
- 3) Any member of SC may propose amendments to existing by-laws, policies and various schedules annexed to this constitution and submit such amendments.
- 4) By-laws and policies approved by SC shall be binding on all members of UESA and violators of these bylaws and policies shall be subject to the disciplinary measures provided for in this Constitution.

## **7.7 LEGAL AND REGULATORY FRAMEWORK**

- 1) Laws of Kenya
- 2) University of Embu Statutes
- 3) University of Embu Student Rules and Regulations
- 4) University of Embu Public Complaints Resolution Policy
- 5) University of Embu Alcohol & Drugs Abuse Prevention Policy
- 6) University of Embu Gender Based Violence & Sexual Harassment Control Policy
- 7) University of Embu Gender Policy
- 8) Internal Complaints Handling Procedures
- 9) Universities Act (2012)
- 10) Universities (Amendment) Act, 2016
- 11) QMS Procedure Manual for ISO 9001:2008