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*(Legislative Supplement No. 46)*

LEGAL NOTICE No. 159

**THE UNIVERSITY OF NAIROBI ACT**

*(Cap. 210)*

IN EXERCISE of the powers conferred by section 5 of the University of Nairobi Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, make the following Order—

**THE KENYA POLYTECHNIC UNIVERSITY  
COLLEGE ORDER, 2007**

**Citation.**

1. This Order may be cited as the Kenya Polytechnic University College Order, 2007.

**Interpretation**

2. In this Order, unless the context otherwise requires—

“Academic Board” means the Academic Board of the University College established under paragraph 13;

“Chancellor” means the Chancellor of the University;

“Convocation” means the Convocation of the University College established under paragraph 15;

“Council” means the Council of the University College established under paragraph 11;

“dean of students” means the person appointed by the Council to be the dean of students of the University College;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

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“director” means the person appointed by the Council to be a director of the University College;

“faculty” means a faculty of the University College established under the statutes;

“financial year” means the financial year of the University College as provided for under paragraph 18;

“graduate” means a person upon whom degree has been conferred in accordance with paragraph 5;

“incapacity” means inability to perform functions of the office concerned;

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

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

“librarian” means the person appointed to be the librarian of the University College;

“Management Board” means the Management Board of the University College established under paragraph 13;

“Minister” means the Minister for the time being responsible for technical and vocational education and training;

“Principal” means the Principal of the University College appointed under paragraph 8;

“professor” means a full professor of the University College;

“registrar” means the registrar appointed by the Council;

“school” means a school of the University College established under the statutes;

“Senate” means the senate of the University;

“staff association” means an association of the staff recognized by Council as being an association representative of the staff of the University College;

“statutes” means statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“students organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“University College” means the Kenya Polytechnic University College established under paragraph 3;

“University” means the University of Nairobi established under section 3 of the Act; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

### **Establishment of the university College**

**3.** (1) There is hereby established a university college to be known as the Kenya Polytechnic University College which shall be a constituent college of the University of Nairobi.

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(2) The University College 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 or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall be the successor to the Kenya Polytechnic constituted under the Education L.N.73/1 965 (Board of Governors) (Kenya Polytechnic) Order.

(4) All rights, liabilities and assets held by or by any body on behalf of the Kenya Polytechnic, existing at the commencement of this Order, shall be automatically and fully transferred to the University College

#### **Functions and objects of University College**

4. (1) The objects and functions of the University College shall be to—
- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for technological, professional, scientific education;

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- (b) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
  - (c) contribute to industrial and technological development of Kenya in collaboration with industry and other organizations through transfer of technology;
  - (d) examine and make proposals for new degree courses and subjects of study, faculties, schools, institutes, departments, resource and research and innovation;
  - (e) promote and establish a culture of innovation in engineering and technology, and technology transfer amongst staff and students;
  - (f) develop an institution with excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application within and outside Kenya;
  - (g) provide a multi-level system of postsecondary school education and training programmes relevant to the needs of the community covering a wide range of fields and levels up to and including post-doctoral studies with provision for recognition of prior learning and flexibility of transition between programmes;

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- (h) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
  - (i) advance knowledge and its practical application by research and other means, the dissemination of outcomes of research by various means, and the commercial exploitation of the results of such research;
  - (j) promote critical enquiry within the polytechnic and in the general community;
  - (k) participate in commercial ventures and activities;
  - (l) foster the general welfare of all staff and students;
  - (m) provide opportunities for development and further training for staff of the University College;
  - (n) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
  - (o) provide programmes, products, and services in ways that reflect the principles of equity and social justice;
  - (p) facilitate student mobility between different programmes at different technical training institutions, polytechnics, and universities;

(q) conduct examinations for and to grant such academic awards as may be provided for in the statutes;

(r) play a leading role in the development and expansion of opportunities for technological education;

(s) generally 'facilitate the development and operation of a polytechnic providing appropriate and accessible academic and other programmes, courses of study, educational products and research activity such as the Council considers necessary for the attainment of the foregoing within Kenya and elsewhere.

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

### **Conferment of degrees etc**

5. (1) The degrees to be awarded by the University College shall be the degrees conferred by the University.

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(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the statutes of the University College.

**Award of Scholarships etc.**

6. Subject to this Order, the University College. 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 COLLEGE**

**Membership of the University College.**

7. The members of the University College shall be—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian;
- (h) the registrars;
- (i) the finance officer of the University College;
- (j) the dean of students;
- (k) the director of information technology and communication services of the University College;

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- (l) the Convocation;
  - (m) the professors of the University College;
  - (n) the lecturers of the University College;
  - (o) the students of the University College; and
  - (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

**8.** (1) There shall be a Principal of the University College who shall be appointed by the Minister on the recommendation of the Council.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the statutes.

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

(4) Notwithstanding sub paragraph (1), Minister may appoint the first Principal on the recommendation of the Council of the University and the person so appointed shall be deemed to be a Principal appointed under sub paragraph (1).

The Deputy 9. (1) The Council shall appoint one or more Principal.

Deputy Principals, who shall, under the general direction

of the Principal, exercise such powers and perform such duties as may be provided by the statutes.

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

Deans, directors 10 (1) The Council shall, on advice of the and chairmen of . . V V

faculties, etc Principal, appoint for each faculty, school, institute, centre, or a department, a dean, director, or a Chairperson

who shall be the academic and administrative head of the faculty, school, institute, centre, or a department and shall, under the general direction of the Principal, have such powers and duties as may be provided by statutes.

(2) A person appointed as dean, diector or Chairperson shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for reappointment. V

The Council. 11. (1) There shall be a Council of the University College which shall consist of—

- (a) the Chairperson and Vice Chairperson, both of whom shall be appointed by the President;
- (b) the Vice-Chancellor;
- (c) the Principal;

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- (d) the Permanent Secretary of the Ministry for the time being responsible for technical and vocational education and training;
  - (e) the Permanent Secretary of the Ministry for the time being responsible for education;
  - (f) the Permanent Secretary of the Ministry for the time being responsible for finance;
  - (g) the following persons appointed by the Minister
    - (i) one person nominated by the Academic Board from amongst its members;,,
    - (ii) one person nominated by the Senate from amongst its members;
    - (iii) one persons to represent the association of technical and vocational education and training institutions;
    - (iv) one person to represent special interests;
    - (v) one person to represent the industrial sector;
    - (vi) one person nominated by the Convocation from among its members;
    - (vii) one person to represent professional associations;

- (viii) one person nominated by the academic staff;
- (ix) one person nominated by the non-academic staff;
- (x) one person nominated by the student organisation;
- (h) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an ex-officio member, shall hold office for a period of three years, but shall be eligible for re-appointment.

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

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

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

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(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

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

12. (1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and---

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall provide for the welfare of the staff and students of the University College;
- (d) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;
- (e) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College;

(f) may, after consultation with the Management Board, make regulations governing the conduct and discipline of the staff of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signified under the hand of the Chairperson, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

13.(1) There shall be a Management Board of the University College which shall consist of

(a) the Principal, who shall be the Chairperson;

(b) the Deputy Principals;

(c) the deans of the schools, and directors of institutes and centres; and

(d) such other member of senior management as the Council may determine in accordance with the Statutes

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

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans;  
and
- (d) any other matters related to the management of the University College.

(3) The Secretary of the Management Board shall be the Registrar in charge of administration.

14. (1) There shall be an Academic Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the deans of the faculties, and directors of schools, institutes and centres;
- (d) the heads of the teaching departments of the University College

- (e) the registrar in charge of academic affairs;
- (f) the librarian;
- (g) the dean of students;
- (h) the director of information technology and communication services of the University College;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the Chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the secretary to the Academic Board.

(3) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;

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- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to degree programmes;
- (c) to make regulations regarding the eligibility of persons for admission to other courses of study other than degree programmes;
- (d) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree;
- (e) to make regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a diploma, certificate or other award of the University College other than a degree;
- (f) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a diploma, certificate or other award of the University College; and
- (g) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree or prescribed postgraduate award and to report its decision thereon to the Senate; and
- (h) to make regulations governing such other matters as are within its powers in accordance with this Order or the statutes.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

**15.** (1) There shall be Convocation of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the statutes.

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

**16.** (1) The staff of the Kenya Polytechnic College existing prior to the commencement of this Order, including those on secondment, shall be deemed to be employees of the University College subject to the statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, 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.

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

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

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

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

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

(9) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and

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(b) be 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.

- 17.** (1) In the event of the incapacity of the Principal, the Chairperson of the Council, the Deputy Principals to carry out the functions of the Principal during the period of incapacity.
- (2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chairperson of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.
- (3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

#### **PART IV—FINANCIAL PROVISIONS**

- 18.** The financial year of the University College shall be the period of twelve months commencing on the 1 July and ending on 30 June in the following year.
- 19** (1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.
- (2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.
- 20** (1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

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- (2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—
- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
  - (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable but of the funds of the University College;
  - (c) for the proper maintenance of the buildings and grounds of the University College;
  - (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
  - (e) for the funding of the cost of teaching, research and outreach activities of the University College;
  - (f) for development purposes; and
  - (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.
- (3) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

(4) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of an authorization of the Council given with the prior approval of the Minister.

**21.** (1) The Council shall cause to be kept all audit, proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

(a) a statement of income and expenditure during that year; and

(b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor General in No. 12 of 2003 accordance with the Public Audit Act, 2003.

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24 No. 12 of 2003 (3) and (4) of the Public Audit Act, 2003 shall apply to any report made under this paragraph.

#### **PART V—MISCELLANEOUS**

**22.** (1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

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

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

**23.** (1) In the performance of its functions under this Order, the Council shall, subject to this Order, make statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) 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 College;
- (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by statutes.

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- (2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any statutes relating to the functions and privileges of the Principal or Academic board without first ascertaining the opinion of the Academic board.
- (3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than two-thirds of the total membership of the Council.
- (4) Statutes or regulations made by the Council under this Order shall not be published in the Gazette but Cap 2 sections 27, 31(e) and 34 of the Interpretation and General Provisions Act shall not apply to the statutes or to the regulations.
- 24.** (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 word “Kenya Polytechnic” together with either or all the words “University” or “College” 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 “Kenya Polytechnic” together with either or all the words “University” or “College” 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 twelve months, or both:

Provided that nothing in this paragraph shall be construed as preventing the bonafide use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

**25.** The status accorded to the University College by this Order as a constituent college of the University shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university.

Made on the 23<sup>rd</sup> August, 2007.

MWAI KIBAKI,  
*President.*