

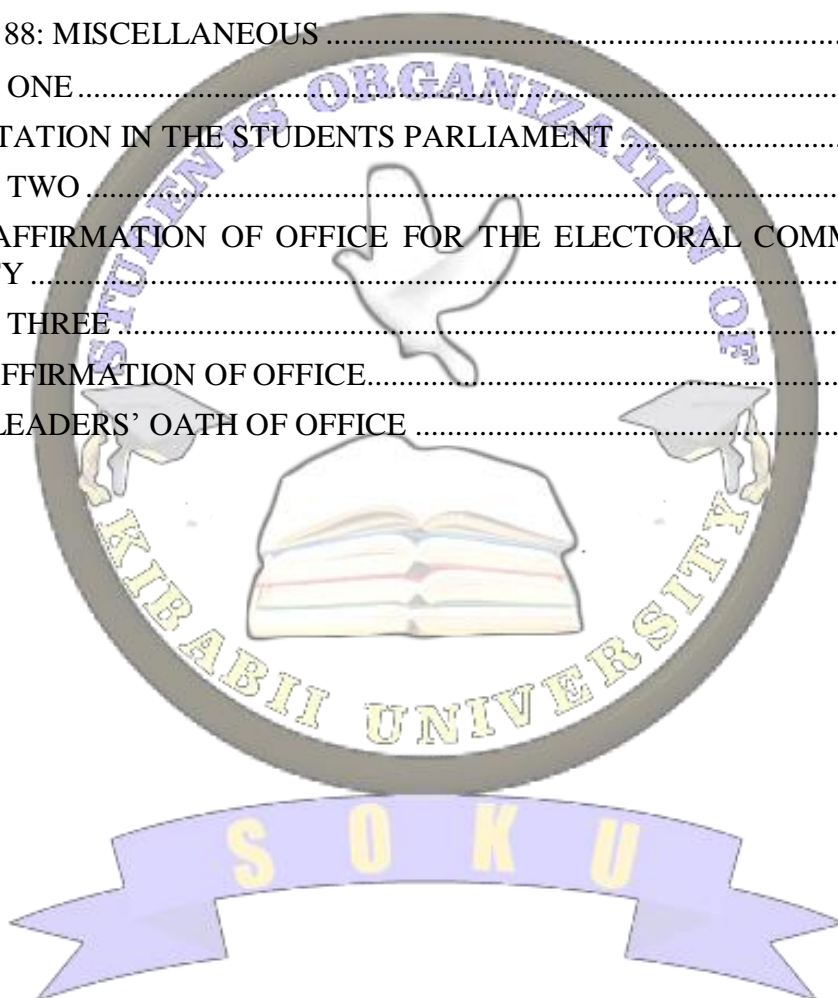
## Contents

PREAMBLE.....	5
DEFINITION OF TERMS.....	5
CHAPTER ONE.....	7
NAME, AREA OF OPERATION, LOGO, AIMS AND OBJECTIVES .....	7
ARTICLE 1: NAME.....	7
ARTICLE 2: AREA OF OPERATION.....	7
ARTICLE 3: LOGO .....	7
ARTICLE 4: AIMS AND OBJECTIVES.....	7
CHAPTER TWO.....	8
ARTICLE 5: MEMBERSHIP .....	8
ARTICLE 6: ORDINARY MEMBERSHIP .....	8
ARTICLE 7: ASSOCIATE MEMBERSHIP .....	8
ARTICLE 8: HONORARY MEMBERSHIP.....	8
ARTICLE 9: CESSATION OF MEMBERSHIP .....	9
CHAPTER 3.....	9
BILL OF RIGHTS.....	9
ARTICLE 10: RIGHTS AND DUTIES OF MEMBERS .....	9
ARTICLE 11: DUTIES OF SOKU MEMBERS.....	10
ARTICLE 12: ORGANS OF SOKU.....	10
CHAPTER4.....	10
STUDENT COUNCIL.....	10
ARTICLE 13: COMPOSITION OF THE STUDENT COUNCIL .....	10
ARTICLE 14: QUALIFICATIONS OF THE STUDENT COUNCIL .....	10
ARTICLE 15: DISQUALIFICATIONS OF THE STUDENT COUNCIL.....	11
ARTICLE 16: DUTIES AND FUNCTIONS OF THE STUDENT COUNCIL .....	11
ARTICLE 17: PRIVILEGES OF THE STUDENT COUNCIL.....	12
ARTICLE 18: THE STUDENT COUNCIL MEETINGS .....	12
ARTICLE 19: THE DECISION IN STUDENT COUNCIL MEETINGS.....	13
ARTICLE 20: THE CHAIRPERSON .....	13
ARTICLE 21: VICE CHAIRPERSON .....	13
ARTICLE 22: VACANCY IN THE OFFICE OF THE CHAIRPERSON AND OR VICE-CHAIRPERSON.....	14
ARTICLE 23: THE SECRETARY GENERAL.....	14

ARTICLE 24: ACADEMIC SECRETARY .....	15
ARTICLE 25: TREASURER .....	16
ARTICLE 26: ACCOMMODATION AND SECURITY SECRETARY .....	16
ARTICLE 27: SPECIAL INTEREST SECRETARY .....	17
ARTICLE 28: DISSOLUTION OF STUDENT COUNCIL .....	17
CHAPTER FIVE.....	17
PARLIAMENT .....	17
ARTICLE 29: ESTABLISHMENT OF THE PARLIAMENT.....	17
ARTICLE 30: COMPOSITION OF THE PARLIAMENT.....	18
ARTICLE 31: FUNCTIONS OF THE PARLIAMENT .....	18
ARTICLE 32: COMPOSITION OF THE CONGRESS .....	18
ARTICLE 33: QUALIFICATIONS TO THE CONGRESS .....	18
ARTICLE 34: DISQUALIFICATIONS TO THE CONGRESS.....	18
ARTICLE 35: ROLES OF CONGRESS REPRESENTATIVES .....	19
ARTICLE 36: PRIVILEGES OF THE CONGRESS.....	20
ARTICLE 37: QUORUM FOR PARLIAMENTARY PROCEEDINGS .....	20
ARTICLE 38: SWEARING IN OF STUDENT COUNCIL AND CONGRESS .....	21
ARTICLE 39: INAUGURATION OF THE PARLIAMENT .....	21
ARTICLE 40: PARLIAMENTARY MEETINGS .....	21
ARTICLE 41: RESOLUTION OF PARLIAMENT .....	22
ARTICLE 42: ADJOURNMENT OF PARLIAMENTARY MEETINGS .....	22
ARTICLE 44: VOTING IN PARLIAMENT .....	22
ARTICLE 46: DEPUTY SPEAKER.....	23
ARTICLE 47: PARLIAMENTARY CLERK.....	23
ARTICLE 49: RESIGNATION FROM OFFICE.....	25
ARTICLE 50: DISSOLUTION OF PARLIAMENTARY BUSINESS.....	25
ARTICLE 51: DISSOLUTION OF PARLIAMENT .....	25
CHAPTER SIX.....	25
MEETINGS.....	25
ARTICLE 52: SOKU MEETINGS .....	25
ARTICLE 53: ANNUAL GENERAL MEETING (AGM) .....	25
ARTICLE 54: SPECIAL GENERAL MEETING (SGM).....	26
ARTICLE 55: CONSULTATIVE MEETING (CM).....	26
CHAPTER SEVEN .....	26
ELECTIONS AND BY-ELECTIONS .....	26

ARTICLE 56: GENERAL PRINCIPLES ON ELECTIONS .....	27
ARTICLE 57: TYPES OF ELECTIONS .....	27
ARTICLE 58: COMPOSITION AND ESTABLISHMENT OF THE ELECTORAL COMMISSION.....	27
ARTICLE 59: PRESIDING OFFICERS, DEPUTY PRESIDING OFFICERS, POLLING CLERKS AND SECURITY PERSONNEL.....	28
ARTICLE 60: AUTHORITY AND RESPONSIBILITY OF KIBU ELECTORAL COMMISSION.....	28
ARTICLE 61: ELECTION OF THE ELECTORAL COLLEGE REPRESENTATIVES .....	29
ARTICLE 62: ELECTION OF THE STUDENT COUNCIL.....	29
ARTICLE 63: ELECTION PROCEDURE .....	30
ARTICLE 64: VOTING .....	31
ARTICLE 65: SPOILT VOTES AND REJECTED VOTES.....	32
ARTICLE 66: ELECTION OFFENCES .....	32
ARTICLE 67: BY-ELECTIONS .....	32
ARTICLE 68: RE-RUN OF ELECTIONS.....	33
ARTICLE 69: ELECTION PETITIONS.....	33
ARTICLE 70: DISSOLUTION OF THE ELECTORAL COMMISSION .....	34
CHAPTER EIGHT.....	34
FINANCE AND INVESTMENTS .....	34
ARTICLE 71: SOURCES OF FINANCE .....	34
ARTICLE 72: COLLECTION OF REVENUE.....	34
ARTICLE 73: EXPENDITURE.....	34
ARTICLE 74: FINANCIAL BENEFITS TO OFFICE BEARERS .....	35
ARTICLE 75: SIGNATORIES TO SOKU ACCOUNT.....	35
ARTICLE 76: SOKU INVESTMENT AND ASSETS.....	35
ARTICLE 77: PROCEDURE FOR TENDERING .....	35
ARTICLE 78: DISQUALIFICATION FOR TENDERING .....	36
ARTICLE 79: FINANCIAL YEAR .....	36
ARTICLE 80: BOOKS OF ACCOUNTS.....	36
ARTICLE 81: AUDITING OF BOOKS OF ACCOUNTS.....	36
CHAPTER NINE .....	36
CLUBS AND SOCIETIES.....	36
ARTICLE 82: CLUBS AND SOCIETIES.....	36
CHAPTER TEN .....	37
AMENDMENTS, REVIEW AND INTERPRETATION.....	37

ARTICLE 83: AMENDMENTS .....	37
ARTICLE 84: REVIEW OF THE CONSTITUTION.....	38
ARTICLE 85: INTERPRETATION .....	39
CHAPTER ELEVEN .....	39
HANDING OVER AND TRANSITION.....	39
ARTICLE 86: TRANSITION CLAUSE .....	39
ARTICLE 87: HANDING OVER CEREMONY .....	39
CHAPTER TWELVE .....	39
ARTICLE 88: MISCELLANEOUS .....	39
SCHEDULE ONE.....	41
REPRESENTATION IN THE STUDENTS PARLIAMENT.....	41
SCHEDULE TWO.....	42
OATH OF AFFIRMATION OF OFFICE FOR THE ELECTORAL COMMISSION OF KIBABII UNIVERSITY .....	42
SCHEDULE THREE .....	42
OATH OF AFFIRMATION OF OFFICE.....	42
STUDENT LEADERS' OATH OF OFFICE .....	43





## **PREAMBLE**

We the students of Kibabii University;

**ACKNOWLEDGE** the supremacy of the almighty God of all creations,

**RECOGNIZE** we have a Constitutional freedom of assembly, association and expression and thus capable of joining this association as provided for in the in the Universities Act 2012 as amended 2016,

**AWARE** that Kibabii University as a public University plays a leading role in teaching, research and innovation and is an efficient and functional institution that produces self-reliant graduates who are trained to adopt ethical standards and the best practice, as well as plays an effective role in harnessing the knowledge acquired to further develop the country and the world at large,

**EXERCISE** the Constitutional right to form a Students Association as provided for by section 41 of the Universities Act 2012 as amended 2016 and Section 20 and 21 of the Kibabii University Charter 2015,

**GOVERNED** by the Constitution of Kenya 2010, the Universities Act 2012, the Universities amendment Act 2016, Kibabii University Charter 2015, Kibabii University Statutes, Kibabii University Student Handbook, Students Organization of Kibabii University Constitution (SOKU),

**PROUD** of the diversity of background, cultures, religion and efforts of the founding and succeeding members **UNITED** by a common purpose and aspirations,

**RECOGNIZE** the authority and structures regulating governance and all statutes of the University,

**DETERMINED** to enhance the values of transparency, accountability, governance and respect for the rights of members,

**CONVINCED** that this Constitution shall guarantee the continued peaceful co-existence of the organization,

**ADOPT, ENHANCE and GIVE** this Constitution to ourselves and our future generations as our supreme governing law.

**GOD BLESS KIBABII UNIVERSITY**

## **DEFINITION OF TERMS**

In this constitution unless the context otherwise requires;

**Act:** Means the University Act 2012 as amended 2016.

**Academic year:** Means a period of two (2) semesters of study and examination as designated by the Senate. Provided, however that the Senate may designate different dates and different period of such academic year.

**Campus:** Means a campus established by the University pursuant to an order made under section 7 of the Charter.

**College:** Means a college established by the University pursuant to an order made under section 7 of the Charter.

**Constituent College:** Shall mean a college of the University that is established under section 8 of the Charter.

**Congress:** SOKU Electoral College representatives.

**Commission:** Shall mean the Commission for the University Education established under section 4 of the Universities Act, 2012.

**Charter:** Means Kibabii University Charter granted under section 19 of the Universities Act, 2012.

**Dean of Students:** Means a person appointed by the University Council to be in charge of student's welfare as provided in the Statutes XIX.

**Deciding Vote:** Means a vote in Parliament or Congress of SOKU that is in place to break a tie, casted by the presiding Chairperson in Parliament.

**Disability:** Means any physical, sensory, mental, psychological or other impairment condition or illness that has or is perceived by the community to have substantial or long term effect on an individual's ability to carry out ordinary day to day activities.

**Faculty:** Means academic entity consisting of a number of closely related departments, which, either singly or jointly with other departments work for a common viable degree.

**Finance Officer:** Means a person appointed by the University Council to be in charge of financial matters of the University as provided by the Statutes.XVIII

**Head Office:** Means the SOKU Office at the main Campus of Kibabii University.

**KIBU:** Kibabii University.

**Kibabii University Electoral Commission:** Means the board established to govern the SOKU elections.

**Original Vote:** Means a vote in Parliament or Congress of SOKU that is in place to represent a person casted by the pressing Chairperson in Parliament.

**Parliament:** Means both Congress and the Student Council.

**Presiding Officer:** Means an Officer in charge of a polling station.

**Registrar Academics Affairs:** Means a person appointed by the University Council to assist a Deputy Vice Chancellor as provided by the Statutes XVII Section (12.2).

**Rejected Vote:** Means that vote that is obliterated, damaged, ambiguous or ineligible such that it cannot be deciphered for whom it was cast.

**Senate:** Means the Senate of the University established under section 19 of the Charter.

**Semester:** Means a period of study normally consisting of sixteen weeks or equivalent in contact hours as may be determined from time to time by senate.

**SOKU:** Means Students Organization of Kibabii University, the association established and recognized by this Constitution.

**Spoilt Vote:** Means a ballot paper that has been tampered with and has not been cast.

**Statutes:** Means the Statutes of Kibabii University, the laws that govern the University.

**Student:** Means a person validly registered by the University for the purpose of obtaining the qualifications of the University Academic award.

**Student Council (SC):** Means the acronym of the Student Council, the Executive Organ of SOKU.

**Student Handbook:** Means the rules and regulations governing the students under KIBU.

**Students Organization:** Means an organization of the students recognized by the University Council as being an organization representative of the Students of the University and provided by section 20 of the Charter and section 41 of the University Act.

**University:** Means Kibabii University established under section 3 of the Kibabii University Charter.

**University Council:** Means the Council of Kibabii University established under section 36(1) of the Universities Act, 2012.

**Vice Chancellor:** Means the Vice Chancellor of the University appointed under section 14 of the Kibabii University Charter and section 35(1) of the Universities Act of 2012.

## CHAPTER ONE

### NAME, AREA OF OPERATION, LOGO, AIMS AND OBJECTIVES

#### ARTICLE 1: NAME.

There shall be established a student association known as **STUDENTS ORGANIZATION OF KIBABII UNIVERSITY** herein abbreviated as SOKU.

#### ARTICLE 2: AREA OF OPERATION.

- i. This Constitution shall be applicable to all students in Campuses, Constituent Colleges, Centers, Institutes and Schools of Kibabii University established by University Council.
- ii. The head Office of SOKU shall be located at the Main Campus P.O BOX 1699-50200 Bungoma.
- iii. Any Campus, center, Institute, Constituent College and School declared to be part of the University shall be allowed to create a branch Office within their institutions upon approval by the head Office and the University Senate and such Office shall not be within the main campus; and that such Offices in the branches shall be accountable to the Student Council (SC) at the Main Campus.
- iv. Such Campuses, Constituent Colleges, Centers, Institutes and Schools shall be allowed to have branch Offices in attaining a minimum number of one thousand (1000) SOKU members.
- v. The chairperson of the Main Campus shall be the overall chairperson.

#### ARTICLE 3: LOGO

- i. The LOGO of SOKU shall be:



- ii. The said LOGO may be changed with the approval of the Parliament.
- iii. The **SOKU Logo** shall not be used without the authority of the Parliament.

#### ARTICLE 4: AIMS AND OBJECTIVES.

- i. To establish an effective and efficient student government.
- ii. To ensure that SOKU members get justice and fairness through representation in various permissible University management levels.
- iii. To cultivate, encourage, promote and to nurture talents, innovativeness and high standards of scholarly and social cultural values among members of the University.
- iv. To strive to address justifiable issues of social welfare of members equitably.



- v. To seek, enhance and maintain the freedom of conscience, expression, association, academic liberty and all the rights and privileges accruing to members by virtue of their humanity, ethnicity, age, gender, status, sex, citizenship and any other relevant criteria.
- vi. To promote the awareness of diversity and multi-cultural aspects of the students through interactions and supporting events that broaden the spheres of culture, society and education.
- vii. To promote gender and social equity, the spirit of unity, togetherness and humanity among its members and University Management, general public and University community.
- viii. To establish cooperation with other recognized student bodies nationally and internationally with the same aims and objectives as those of SOKU.
- ix. To provide students with suitable opportunities for healthy life through arts, sports and entertainment.
- x. To develop positive relationship with the general public through participation in community service and other related projects.
- xi. To raise money through lawful means for purposes of achieving aims and objectives of SOKU.
- xii. Coordinating students involvement in academic conferences and publications e.g. student magazines, research papers and academic journals.
- xiii. To encourage continued cooperation among former SOKU students through the Kibabii University Alumni Association.

## **CHAPTER TWO**

### **ARTICLE 5: MEMBERSHIP**

All students dully admitted to Kibabii University shall be entitled for the following three categories of membership:

- i. Ordinary membership
- ii. Associate membership
- iii. Honorary membership

### **ARTICLE 6: ORDINARY MEMBERSHIP**

This category of membership shall be open for all students admitted for a course leading to award of Certificate, Diploma or Degree who shall pay a non-refundable registration fee of ksh. 500/- on first admission and an annual non-refundable subscription fee of Ksh.400/- or as both proposed by Parliament and approved by the University Council from time to time.

### **ARTICLE 7: ASSOCIATE MEMBERSHIP**

- i. This category is open for all post-graduate students dully admitted by the Senate.
- ii. Annual non-refundable subscription fee for this membership shall be Ksh.1000/- as proposed by the Parliament and approved by the University Council from time to time.

### **ARTICLE 8: HONORARY MEMBERSHIP**

- i. SOKU may, by a resolution passed by at least half of all the Members of Parliament, invite any past member of the organization or any person who, on the recommendation of the Parliament and approved by Senate and University Council, has rendered valuable service and or contribution to the Organization or the University, to become an honorary member of SOKU.
- ii. Any former member may apply to the Student Council to be an honorary member of SOKU.
- iii. The Student Council shall vet such applications and present proper applications to Parliament for recommendation to Senate and Council for approval.



- iv. A person invited to join the organization as an honorary member may choose a class of honorary membership as follows:
- a) **Bronze membership** at a non-refundable subscription fee of Ksh. 5,000/- or as may be proposed by Parliament from time to time and approved by Senate and University Council.
  - b) **Silver membership** at a non-refundable subscription fee of Ksh. 10, 000/- or as may be Proposed by Parliament from time to time and approved by Senate and University Council.
  - c) **Gold membership** at a non-refundable subscription fee of Ksh. 20,000/- or as may be proposed by Parliament from time to time and approved by Senate and University Council.
- v. An honorary member shall serve for a term of three years which is renewable upon satisfactory performance and proposal by Parliament and subsequent approval by Senate and University Council, PROVIDED HOWEVER, that an honorary member shall not have the right to vote or be eligible to hold any Office of SOKU.

#### **ARTICLE 9: CESSATION OF MEMBERSHIP**

1. An ordinary and associate member of SOKU shall cease to be a member upon;
  - i. Completion of studies at the University.
  - ii. Death.
  - iii. Expulsion or discontinuation by the University and disqualification under any written law or their continued membership is deemed by Kibabii University Senate and Council as being in any way detrimental to the Kibabii fraternity.
  - iv. Inter University transfer.
  - v. Continuous failure to subscribe as a member for more than 3 academic years for ordinary members and two (2) academic years for the Associate member.
2. An honorary member ceases to be a SOKU member upon;
  - i. Death of the honorary member or where the honorary member does not live to the spirit of this Constitution.
  - ii. Expiry of membership tenure and failure to renew their membership.
  - iii. Written resignation to the SC subject to ratification by the Parliament.

### **CHAPTER THREE**

#### **BILL OF RIGHTS**

#### **ARTICLE 10: RIGHTS AND DUTIES OF MEMBERS**

Every member of SOKU has the right to:

- i. Access facilities and services offered by SOKU.
- ii. Fair treatment and access to justice regardless of gender, religion, tribe, or color/race.
- iii. Access to a copy of this Constitution including a copy in brail for the visually impaired.
- iv. Diversified entertainment activities.
- v. Access relevant information to affairs of the association including quarterly
- vi. financial statements of SOKU book and record of accounts and audit report and minutes in so far as it shall be reasonable.
- vii. Vote in SOKU elections except honorary member.

- viii. Vie for any elective post in SOKU elections except honorary members and those appointed in the Electoral Commission subject to provisions of this Constitution.
- ix. Freedom of conscience, expression, association, academic liberty and all the rights and privileges accruing to SOKU members by virtue of humanity, age, status, sex, citizenship and other relevant criterion.

#### **ARTICLE 11: DUTIES OF SOKU MEMBERS**

- i. To promote objectives of SOKU
- ii. To take part in all activities organized by SOKU.
- iii. To protect property owned by SOKU.
- iv. To pay a non-refundable registration fee upon first admission and an annual non-refundable subscription fee as stipulated in Chapter Two of this Constitution.
- v. To respect and protect the rights of other SOKU members.
- vi. To support income generating ventures of SOKU.
- vii. To abide by all decisions made by SOKU members under the provisions of this Constitution.

#### **CHAPTER FOUR**

#### **ARTICLE 12: ORGANS OF SOKU**

- i. Student Council
- ii. Parliament
- iii. Meetings.

#### **STUDENT COUNCIL**

#### **ARTICLE 13: COMPOSITION OF THE STUDENT COUNCIL**

1. The Student Council shall comprise of:
  - i. Chairperson
  - ii. Vice Chairperson who shall be of the opposite gender to the Chairperson
  - iii. Treasurer
  - iv. Secretary General who shall be the secretary to the student Council
  - v. Three other members to represent special interests of students namely:
    - a) Academic Secretary
    - b) Accommodation and Security Secretary
    - c) Special Interest Secretary.
2. Composition and membership of the Students Council shall:
  - a) Reflect national diversity;
  - b) Have not more than two-thirds of its members being of the same gender.

#### **ARTICLE 14: QUALIFICATIONS OF THE STUDENT COUNCIL**

1. For one to be elected to SC he/she shall;
  - i. Be a bonafide student of KIBU.
  - ii. Be an ordinary SOKU member.
  - iii. Not be a member of the Kibabii Electoral Commission.
  - iv. Have a **MINIMUM** average mark of 60% in the previous academic year of Kibabii University Examination or has an average Continuous Assessment Test (CAT) mark

of 60% in Kibabii University Examination for newly joining students and must have completed at least one semester in Kibabii University.

- v. Be of sound mind.
- vi. Be fluent in spoken and written English and Kiswahili.
- vii. Be well conversant with SOKU Constitution.
- viii. Have at least two full academic semesters remaining to completion of studies.
- ix. Possess both National Identification Card and a Kibabii University Identification Card.
- x. Should not have been found guilty in a Kibabii University disciplinary case.
- xi. Should not have a pending disciplinary case.
- xii. Be cleared by the Kibabii University Electoral Commission.

2. 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 as provided for in the Universities (Amendment) Act 2016, 18 (b) (IF).

#### **ARTICLE 15: DISQUALIFICATIONS OF THE STUDENT COUNCIL**

A student shall be disqualified from vying for elections for SC if he/she;

- i. Has previously been removed from Office for a violation of this Constitution
- ii. Has ever been suspended by the University and the suspension has not been revoked and or lifted.
- iii. Has ever been convicted of a criminal offence by a court of law in the Republic of Kenya or any other nation.
- iv. Has contravened provisions and policies of the students conduct as contained in the current Student Handbook.
- v. Is a member of SOKU Electoral Commission or the SOKU Elections Appeals Committee.
- vi. Is a candidate for a seat of a Parliamentary area or in National politics or entity.
- vii. Has held Office as a member of the Student Council of any other University or constituent college in Kenya for two terms as provided for in the Universities (Amendment) Act 2016, 18 (b) (IG).
- viii. Is a member of staff in KIBU.

#### **ARTICLE 16: DUTIES AND FUNCTIONS OF THE STUDENT COUNCIL**

The duties and functions of a Students' Council shall be to:

- i. Oversee and plan, in consultation with the Senate, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being of all students;
- ii. Draw to the attention of the appropriate authority where necessary Special needs from particular students
- iii. Offer suggestions to the Senate or its equivalent on matters affecting the well-being of students;
- iv. Undertake such other functions as provided in its governance instrument as approved by the Council.
- v. Protect and uphold the SOKU Constitution.

- vi. Seek audience from the University Administration to address issues of importance affecting SOKU members.
- vii. Implement resolutions made by the Parliament.
- viii. Formulate Policies and/or By-Laws subject to approval by the SOKU Parliament for proper running and operation of SOKU.
- ix. Run the activities of SOKU.
- x. Administer SOKU and for that purpose at any one time at least two members of the Student Council must be within the Main Campus grounds. In the event that there is a mandatory University function for all and Students Council is out of Campus the Students Affairs department shall be responsible for administration.
- xi. Keep accurate and timely updated records of SOKU.
- xii. Advocate for members rights in various University Organs, and from time to time seek legal counsel to protect the interests and safeguard the rights of SOKU members.
- xiii. Make decisions without due consultations with the Parliament in case of an emergency, provided that such decisions are made in the best interest of SOKU and in compliance with this Constitution and thereafter report to Parliament for noting, otherwise the decision is deemed null and void.
- xiv. Perform any other functions assigned to it by the Parliament subject to this Constitution.

#### **ARTICLE 17: PRIVILEGES OF THE STUDENT COUNCIL**

The Student Council shall be entitled to the following:

- i. An induction training at the beginning of their tenure.
- ii. Have maximum of four payable meetings per semester. The sitting allowances will be charged from the SOKU account.
- iii. A maximum of seven (7) days retreat at the end of their tenure.
- iv. Other privileges as may be accorded to the SC at the discretion of the University Administration.

#### **ARTICLE 18: THE STUDENT COUNCIL MEETINGS**

- i. The Secretary General shall convene a meeting by giving a seven days' notice in writing and a copy of the notice issued to the Office of the Dean of Students and Security Office.
- ii. In the absence of Secretary General, the Vice Chairperson shall call the meeting and a copy of the notice issued to the Office of the Dean of Students and Security Office.
- iii. The quorum for the commencement and conduct of a meeting of the SC shall be two-thirds.
- iv. The following shall preside over SC meeting;
  - a) The Chairperson,
  - b) In the absence of the Chairperson, the Vice Chairperson,
  - c) In the absence of the Chairperson and the Vice Chairperson, any other member of the SC elected by the members present at that time.
- v. The proceedings of meetings shall be documented and records kept by the Secretary General.



- vi. A member who fails to attend SC meetings without prior reasonable written apology to the Chairperson, shall lose his/her financial allowance for the meeting in which he/she is absent.

#### **ARTICLE 19: THE DECISION IN STUDENT COUNCIL MEETINGS**

- i. Decisions in SC meetings shall only be valid upon approval by a simple majority of the votes of the members present.
- ii. Voting on issues raised in the SC meetings shall be mandatory in the absence of a consensus.
- iii. If it is in respect to a matter proposed for a decision during a meeting of the Students Council, the member presiding at the meeting shall have a deciding vote and not an original vote.

#### **ARTICLE 20: THE CHAIRPERSON**

- 1. There shall be established Office of the Chairperson.
- 2. Unless stipulated otherwise, the duties of the Chairperson shall;
  - i. Be the head of SOKU and the students Council.
  - ii. Be responsible for all matters on behalf of SOKU;
  - iii. Be responsible for the overall administration of the SC.
  - iv. Liaise with the Students Affairs Office to source funds for SOKU
  - v. Preside over the Students Council meetings and SOKU meetings
  - vi. Be the custodian of SOKU Constitution
  - vii. Be a signatory to all SOKU financial transactions and documents.
  - viii. Represent SOKU at the University Senate and any other University organ where applicable.
  - ix. Represent SOKU in National and International affairs x. Be the spokesperson of SOKU.
  - x. Delegate and assign duties to other members of the SC or Congress where applicable.
  - xi. Be a member of the Disciplinary Committee in case the Secretary General and the accommodation and Security Secretary are subject of the Disciplinary hearing.
  - xiii. Within the first 21 days after inauguration address the first session of the Parliament.
  - xiv. Address every first sitting of Parliament in each semester.
  - xv. Once in a semester address the SOKU members on all the measures taken and the progress achieved in the realization of the SOKU values.
  - xvi. Undertake any other task given by the Parliament.

## **ARTICLE 21: VICE CHAIRPERSON**

1. There shall be established the Office of the Vice Chairperson.
  - i. The Vice Chairperson shall be of opposite gender of the Chairperson.
  - ii. The Vice Chairperson shall be a running mate of the Chairperson and in making the choice, the team should ensure that they achieve national diversity.
  - iii. The running mate shall meet the qualifications of the SC.
2. The Vice Chairperson unless stipulated otherwise shall:
  - i. In the absence of the Chairperson assume and act on the authority and responsibility of the Chairperson, with exception of being a signatory in financial transactions.
  - ii. Be the leader of the SC Business in the Parliament.
  - iii. Be a member of the Kibabii University Senate in the event that the Secretary General and the Chairperson are of the same gender.
  - iv. Liaise with the Students Affairs Office in the event of death of a SOKU Member, their parent and or guardian.
  - v. Be a member of SOKU Tendering Committee.
  - vi. Work in liaison with the Health Services department in providing any necessary assistance to students.
  - vii. Liaise with the Catering Department in addressing students' catering problems
  - viii. and find ways and means of solving them.
  - ix. Recommend introduction of relevant health and catering services which is regarded necessary to SOKU members.
  - x. To coordinate and participate in sensitization on health related matters to SOKU members.
  - xi. Be an automatic member of the Students' Welfare Committee of Senate.
  - xii. Perform any other duty as may be assigned by the Chairperson and or by Parliament.

## **ARTICLE 22: VACANCY IN THE OFFICE OF THE CHAIRPERSON AND OR VICE CHAIRPERSON**

1. The Office of the Chairperson and or the Vice Chairperson shall be deemed vacant upon:
  - i. Death
  - ii. Removal in accordance with the provisions of this Constitution.
  - iii. Resignation in accordance with the provisions of this Constitution
  - iv. Cessation from being a bonafide student of KIBU,
  - v. Being declared to be of unsound mind
2. In the event that the Office of the Chairperson falls vacant, the Vice Chairperson shall assume the Office of the Chairperson for the remainder of the term.
3. In the event the Vice Chairperson ceases to be in Office, the Chairperson shall take charge of the Office.
4. In the event both the Chairperson and Vice Chairperson vacate Office after assuming Office; the Speaker of the Parliament shall act as the Chairperson for a period not exceeding thirty (30) days and there shall be a by-election for the two posts within 30 calendar days after such incidence.

## **ARTICLE 23: THE SECRETARY GENERAL**

There shall be established an Office of the Secretary General who shall have the following duties and functions:

- i. Be the secretary of Students' Council and the Organization.
- ii. Be responsible for all general correspondence and safe keeping of records on behalf of the organization.
- iii. Be an automatic member of Kibabii University Senate in the event that the Chairperson is of opposite gender.
- iv. Be a member of the Students Disciplinary Committee of Senate unless he/she is the subject of the disciplinary hearing.
- v. Keep an accurate register of members of SOKU and make it available for purposes of inspection, verification and confirmation of membership details.
- vi. Be a signatory to all SOKU financial transactions and or documents in absence of the Chairperson as stipulated in accordance with this Constitution.
- vii. Attend all SC and SOKU General Meetings.
- ix. Be in charge of all communications to SOKU members.
- x. Work hand in hand with Student Affairs Office in planning of games and sports activities for SOKU Members.
- xi. Liaise with the Games and Sports department to ensure the provision and maintenance of equipment and facilities required by SOKU members
- xii. Liase with team captains, coaches in arranging sports and games for SOKU members.
- xiii. Be in-charge of Entertainment organized by the Students Council.
- xiv. In liaison with relevant University Offices take part in organizing and coordinating University events where SOKU members participate.
- xv. Coordinate all activities organized for SOKU members.
- xvi. Subject to this Constitution perform any other duties as may be assigned to him/her by the Chairperson and or the Parliament from time to time.

## **ARTICLE 24: ACADEMIC SECRETARY**

There shall be established an Office known as the Office of the Academic Secretary who unless stipulated otherwise shall perform the following duties;

- i. In liaison with the SC, help facilitate orientation of new students and provide information relating to academic life in the University
- ii. Be a co-opted member of Senate.
- iii. Be a member of academic related committees.
- iv. Advocate and encourage relevant academic activities including Field trips, Seminars, Public Lectures, Exhibitions, Quizzes and Symposia.
- v. Be a member of the Library and Bookshop Committee of Senate, Research and Extension
- vi. Liaise with Faculty and Departmental Boards, teaching staff and students in matters affecting

- academics.
- vii. Be a member of KIBU Shows and Exhibition Committee of Senate.
  - viii. Liaise with Faculties, School and Class Representatives to address students' academic matters
  - ix. Coordinate the publication of SOKU Magazine and academic conferences
  - x. To attend any academic related disciplinary committee and meetings.
  - xi. Subject to this Constitution perform any other duties as may be assigned to him/her by the Chairperson and or the Parliament from time to time

## **ARTICLE 25: TREASURER**

There shall be an established Office of the Treasurer who shall:

- i. Be in charge of management of finances of the SOKU.
- ii. Keep proper books of accounts and avail them for audit and inspection.
- iii. Be a mandatory signatory to SOKU accounts and other negotiable financial instruments.
- iv. Consult with the Finance Officer on the amount of money in SOKU account for budgetary purposes subject to the approval of the student council and the Parliament.
- v. In consultation with the SC, draw the annual budget of SOKU and table it before Parliament for approval.
- vi. Prepare annual accounts of SOKU and liaise with the Internal Auditor for purposes of auditing.
- vii. Ensure that the audited accounts are tabled before SOKU members during the AGM.
- viii. Make funds available for the payments of all SOKU budgeted and approved activities in accordance with the University procedures.
- ix. Present SOKU's financial report to the Parliament upon request.
- x. Be chairperson of SOKU Tendering Committee.
- xi. Keep records of Income Generating Activities of SOKU.
- xii. Be in charge of resource mobilization, Income Generating Activities and the projects of the Association.
- xiii. Subject to this Constitution perform any other duties as may be assigned to him/her by the Chairperson and or by Parliament from time to time.

## **ARTICLE 26: ACCOMMODATION AND SECURITY SECRETARY**

There shall be established an Office of the Accommodation and Security Secretary who unless stipulated otherwise, shall;

- i. Be in charge of all security and accommodation matters affecting SOKU members.
- ii. Carry out any investigations regarding SOKU members as may be mandated by the
- iii. Parliament.
- iv. Represent SOKU members in all Disciplinary Committees except where he/she is subject to hearing.



- v. Establish mutual understanding and harmony between the private hostel owners, staff, students and community.
- vi. In liaison with the University Security Office, assist and coordinate emergency procedures.
- vii. In liaison with the Security Office and external security organs take part in emergency response and disaster management in areas where SOKU members reside.
- viii. Organize and facilitate security providence during all SOKU events.
- ix. In liaison with relevant University Offices assess the condition of accommodation facilities within and outside the University.
- x. Work together with the wardens and Congress persons in charge of various residential
- xi. areas to ensure hygiene, welfare, mutual existence and community policing
- xii. Coordinate hostel based activities e.g. parties
- xiii. Be a member of the Students' Welfare Committee.
- xiv. Subject to this Constitution perform any other duties as may be assigned to him/her by the Chairperson and or by the parliament from time to time.

#### **ARTICLE 27: SPECIAL INTEREST SECRETARY**

There shall be established an Office of Special Interest Secretary who unless stipulated otherwise in this Constitution shall;

- i. Represent persons with disabilities.
- ii. Be in charge of gender issues.
- iii. Represent international students, part-time students and post graduate students.
- iv. Represent issues and or interests of students on campuses outside the Main Campus.
- v. Promote gender equity in University events where SOKU members participate.
- vi. Be in charge of all Clubs and Societies affiliated to SOKU and receive their Calendar of activities.
- vii. Be in charge of the Needy Students' Kitty.
- viii. Be a member of the Students' Welfare Committee
- ix. Subject to this Constitution perform any other duties as may be assigned to him/her by the Chairperson and or by the Parliament from time to time.

#### **ARTICLE 28: DISSOLUTION OF STUDENTS COUNCIL**

- i. The Students Council shall stand dissolved immediately after the AGM by the Chairperson who will give a notice to SOKU members.
- ii. In the event the AGM does not take place the Chairperson shall dissolve the Students Council with a notice.
- iii. The Chairperson shall announce dissolution of the Students Council by Tuesday of the eighth (8<sup>th</sup>) week of the second semester

## CHAPTER FIVE

### PARLIAMENT

#### ARTICLE 29: ESTABLISHMENT OF THE PARLIAMENT

- i. The Parliament shall be established at the Main Campus of the University
- ii. Subject to the provisions of this Constitution, the Parliament shall be the Supreme Policy making Organ of SOKU.

#### ARTICLE 30: COMPOSITION OF THE PARLIAMENT

- i. Congress
- ii. Students Council
- iii. Ex-official members who shall be the Dean of Students or their representatives.

#### ARTICLE 31: FUNCTIONS OF THE PARLIAMENT

The Parliament shall have the following authority and functions;

- i. Be the Supreme Law making organ of SOKU.
- ii. Elect the Speaker, Deputy Speaker and Clerk in its first sitting after their inauguration to Office.
- iii. Debate, approve and adopt budgetary proposals.
- iv. Debate and approve SOKU Policies, Proposals and Decisions as tabled by Congressional Committees and the Students Council.
- v. Observe in all its activities, the University Policies and Regulations, SOKU Constitution and the Laws of the Land.
- vi. Monitor the implementation of its resolutions by the Students Council.
- vii. Through its committees, institute a probe into any suspected misdeed of the SOKU Organs.
- viii. Protect this Constitution and promote the democratic governance of SOKU.
- ix. Recommend for amendments and reviews in this Constitution.
- x. Perform any other function as stipulated in this Constitution.

#### ARTICLE 32: COMPOSITION OF THE CONGRESS

Congress shall comprise of the Electoral College Representatives.

#### ARTICLE 33: QUALIFICATIONS TO THE CONGRESS

A member is qualified for election to Congress if at the time of Election he/she;

- i. Is a bonafide student of KIBU.
- ii. Is a representative of a specific Electoral College.
- iii. Is not a member KIBU Electoral Commission.
- iv. Is well conversant with SOKU Constitution.
- v. Has a **minimum** average mark of **60%** in the previous academic year of Kibabii University Examinations or has an average **Continuous Assessment Test (CAT) MARK 60%** in Kibabii University Examinations for newly joining student and must have completed at least one semester in Kibabii University.

- vi. Is an adult of sound mind.
- vii. Has at least two full academic semesters remaining for completion of studies.
- viii. Possess both a National Identification Card and a KIBU Student Identification Card.
- ix. Is fluent in written and spoken English and Kiswahili.
- x. Has no pending disciplinary case.

#### **ARTICLE 34: DISQUALIFICATIONS TO THE CONGRESS**

- i. A member is disqualified for election to Congress if at the time for election he/she:
- ii. Has previously been removed from Office for a violation of this Constitution
- iii. Has ever been suspended by the University and the suspension has not been revoked/lifted.
- iv. Has been convicted of a criminal offence by a court of law in the Republic of Kenya or any other nation.
- v. Is a candidate of a seat in the current SC Elections.
- vi. Has served for two terms in SC of SOKU or Student Council in any other University or Constituent College in Kenya.





## ARTICLE 35: ROLES OF CONGRESS REPRESENTATIVES

### 1. Resident Students Representative.

There shall be Residents Students Representatives as provided for in Schedule One (1) who;

- i. Shall be Members of Parliament and perform all functions of Parliament under this Constitution.
- ii. Shall articulate the Needs, aspirations and interests of their respective halls.
- iii. Collect views from their respective Halls and present them to Parliament for appropriate action.
- iv. May constitute, sit and perform duties of Parliamentary Committees as provided for under the Standing Orders of SOKU Parliament.
- v. Shall represent SOKU in their Strategic Management Units.
- vi. Shall represent SOKU in Disciplinary Boards of their respective halls.
- vii. Shall attend relevant Parliamentary and Association Meetings.
- viii. Subject to this Constitution, shall perform any other duties as may be assigned to them by SOKU Parliament from time to time.

### 2. Academic Representatives

There shall be Academic Representatives from each Electoral College as provided for in Schedule One (i) who;

- i. Shall be Members of Parliament and perform all functions of Parliament under this Constitution.
- ii. Shall articulate the academic needs, aspirations and interests for their respective Electoral Colleges.
- iii. Shall collect views from their respective areas of representation and present them to Parliament for appropriate action.
- iv. May constitute, sit and perform duties of Parliamentary Committees as provided for under the Standing Orders of SOKU Parliament.
- v. Shall represent SOKU in any other relevant committee in their Electoral Colleges
- vi. Shall attend relevant Parliamentary and Association Meetings.
- vii. Subject to this Constitution, perform any other duties as may be assigned to them by Parliament and or SC from time to time.

### 3. Games and Sports Representatives

There shall be Games and Sports Representatives who;

- i. Shall be Members of Parliament.
- ii. Shall perform all functions of Parliament under this Constitution.
- iii. Shall articulate the games and sport's needs, aspirations and interests of SOKU members.
- iv. Subject to this Constitution, perform any other duties as may be assigned to them by Parliament and or SC from time to time.

### 4. Catering and Health Representative

There shall be Catering and Health Representative who shall;

- i. Articulate the health and catering needs of SOKU members in Parliament.
- ii. Propose relevant health and catering services for SOKU members.
- iii. Constitute, sit and perform duties of Parliamentary Committees as provided for under the Standing Orders of SOKU Parliament.
- iv. Subject to this Constitution, perform any other duties as may be assigned to them by Parliament and or SC from time to time.

### 5. Non-Resident Representatives.

There shall be Non-Resident Congress Representatives who shall;

- i. Represent the non-resident students in the Parliament.
- ii. Shall articulate the needs, aspirations and interests of their members.
- iii. Constitute, sit and perform duties of Parliamentary Committees as provided for under the Standing Orders of SOKU Parliament.
- iv. Liaise with the relevant security organs inside and outside the University.
- v. Subject to this Constitution, perform any other duties as assigned to them by Parliament and or SC from time to time.

## ARTICLE 36: PRIVILEGES OF THE CONGRESS

- i. An induction training at the beginning of their tenure of Office.
- ii. The Congress shall have one official payable meeting in each semester on their own chaired by Deputy Speaker.
- iii. A maximum of seven (7) days retreat at the end of their tenure.
- iv. Other privileges may be accorded to the Congress at the discretion of the University Administration.

## **ARTICLE 37: QUORUM FOR PARLIAMENTARY PROCEEDINGSS**

- i. The quorum for the commencement and conduct of normal business in SOKU Parliament shall be **two-thirds** of all its members.
  - ii. In the event that the quorum is not met within thirty minutes of the scheduled time of meeting the speaker shall;
    - a) Postpone that meeting and reschedule it within seven calendar days of such postponement,
  - b) Commence and conduct the business of the meeting and the resolutions made shall be binding to all members in the event that the rescheduled meeting does not raise a quorum.
- 
- i. A Member of Parliament, who fails to attend two consecutive meetings without prior written apology to the Speaker, shall be deemed to have resigned from Parliament and any other Office held by such a member, and the Speaker shall declare the position vacant.
  - ii. A Member of Parliament shall be deemed to have failed to attend a Parliamentary meeting if, at any one meeting, such member was absent for more than half the duration of the meeting.
  - iii. A Member of Parliament who fails to attend Parliamentary meetings without prior reasonable written apology to the Speaker, shall loose his/her financial allowance for the meeting in which he/she is absent.

## **ARTICLE 38: SWEARING IN OF STUDENT COUNCIL AND CONGRESS**

- i. The newly elected members shall be sworn in by the University Legal Officer or Commissioner of Oaths mandated by the University in the presence of Vice Chancellor or his/her representative within seven (7) working days after the election.
- ii. The members of the Student Council shall be sworn in individually while members of Congress shall be sworn in jointly.
- iii. In the event of an election appeal, the swearing in ceremony of the respective position shall take place within three (3) working days after the decision.
- iv. In the event that a member is absent during the swearing in ceremony, he or she shall be sworn in by the Legal Officer at a special sitting.

## **ARTICLE 39: INAUGURATION OF THE PARLIAMENT**

- i. After swearing in, the first sitting of Parliament must take place at a time to be determined by the SOKU Chairperson, but not more than seven (7) working days after the swearing in.
- ii. During the first meeting, subject to Provisions of Article 38 and 39 of this Constitution, the Speaker, the Deputy Speaker and the clerk will be elected and thereafter sworn in by the University Legal Officer in the presence of the Dean of Students.
- iii. After electing the Speaker, he/she shall assign duties to Congress Persons with the exception of Academic Representatives.
- iv. The Parliamentary Clerk, in consultation with the Speaker, shall convene subsequent meetings.

## **ARTICLE 40: PARLIAMENTARY MEETINGS**

Subject to the limitations envisaged in this Constitution and in particular regard to the period of Elections and subsequent inauguration to Office;

- i. Parliament shall have a maximum of three (3) payable meetings in a semester.
- ii. The Speaker shall preside over all sittings of Parliament but in his/her absence, the Deputy Speaker shall preside over the meeting.
- iii. In the absence of the two, any other member elected by the Parliament may preside over the meetings.
- iv. Parliamentary meetings shall be held in the Main Campus.
- v. The Dean of Students shall be served with the notice and the agenda of the meeting seven (7) days before the meeting and the minutes of the meeting two (2) working days thereafter by the Office of the Speaker.



## **ARTICLE 41: RESOLUTION OF PARLIAMENT**

A motion shall become a SOKU resolution if it has been floated to the members of Parliament and they have voted in its favor. For this purpose a motion shall be a question on which a vote is to be taken.

## **ARTICLE 42: ADJOURNMENT OF PARLIAMENTARY MEETINGS**

- i. The Speaker shall adjourn Parliamentary meetings only through a resolution.
- ii. A date shall be set for holding the next meeting and a notice issued by the Clerk copied to the Office of the Dean of Students and the Security Office to that effect.
- iii. A meeting convened to discuss unfinished business shall discuss that issue only.

## **ARTICLE 43: REGULATION AND PROCEDURE IN PARLIAMENT**

- i. Subject to this Constitution, the procedures and proceedings of Parliament shall be governed by the Standing Orders of SOKU Parliament.
- ii. The Parliament shall meet at least thrice in a semester.

## **ARTICLE 44: VOTING IN PARLIAMENT**

- i. Except where special majority is required by this Constitution, all decisions in Parliament shall be determined by a simple majority of the votes of the members present.
- ii. Secret ballot shall be used in voting for bills.
- iii. Where a question is proposed for a decision in Parliament, the person presiding shall have a deciding vote but not an original vote

## **ARTICLE 45: THE SPEAKER**

1. There shall be established an Office of the Speaker of SOKU Parliament.
2. The Speaker of SOKU Parliament shall be elected by the Parliament during the inauguration of Parliament.
3. The Speaker shall:-
  - i. Be the head of SOKU Parliament.
  - ii. Assign duties to Congress Persons with the **Exception** of Academic Representatives
  - iii. Be a Member of Parliament and perform all functions of Parliament under this Constitution.
  - iv. Organize Parliamentary sessions and call for special meetings as per the Standing Orders.
  - v. Declare a seat vacant as per the provisions of this Constitution.
  - vi. Notify the Office of the Dean of Students, in the event that an Office of a Member of Parliament falls vacant for appropriate action.
  - vii. Table motions in Parliament.
  - viii. Act as a link between SOKU Parliament and the Student Council.
  - ix. Subject to the provision of this Constitution, perform any other duties as assigned to him/her by Parliament.

## **ARTICLE 46: DEPUTY SPEAKER**

1. There shall be established an Office of the Deputy Speaker.
2. The Deputy Speaker of SOKU Parliament shall be elected by the Parliament during the inauguration of Parliament
3. The Deputy Speaker shall be of the opposite gender to the Speaker.
4. Unless stipulated otherwise in this Constitution, the Deputy Speaker shall,
  - i. Be a Member of Parliament.
  - ii. Deputize the Speaker
  - iii. Have an area of representation
  - iv. Perform other duties as assigned to him/her by the Speaker and or the Parliament.

## **ARTICLE 47: PARLIAMENTARY CLERK**

1. There shall be established an Office of the Clerk of Parliament.
2. The Clerk of SOKU Parliament shall be elected by the Parliament during the inauguration of Parliament
3. The Clerk shall:
  - i. Be a Member of Parliament.
  - ii. Have an area of representation. iii. Be the Secretary of the Parliament.
  - iii. Receive bills and motions from members and forward to the Office of the Speaker.
  - iv. Be the custodian of SOKU Parliamentary records and proceedings.
  - v. Send notice of meetings to members in consultation with the Office of the Speaker.

## **ARTICLE 48: REMOVAL/RECALL FROM OFFICE**

1. An Office bearer shall be removed from Office on the following grounds:
  - i. Found guilty in a University Disciplinary case. ii. Incapacitation.
  - ii. If declared of unsound mind.
  - iii. If he/she has been convicted of a criminal offence by a court of law.
2. An Office bearer may be recalled from Office on the following grounds:
  - i. Vote of no confidence
  - ii. Misappropriation of SOKU funds.
  - iii. Violation of this Constitution

3. In the event of (2) above, an Office bearer shall be recalled from Office by a resolution adopted and signed by:
  - i. Two thirds of Parliament members and or
  - ii. Fifty percent (50%) of all SOKU members for SC and fifty percent (50%) of the Electoral College members for the Congress Persons and served to the Office of the Dean of Students.
4. The Dean of Students shall notify the concerned person of the allegation made against him/her within two (2) working days of receiving the resolution.
5. The affected member shall have the right to defend himself/herself against such allegations by submitting a written defense to the Dean of Students within two (2) working days of being served with a notice of the removal from Office.
6. To investigate the alleged allegation against the Office bearer an adhoc committee formed by The Dean of Students' Office shall comprise of the following;
  - i. a member from the Senate,
  - ii. Security Office,
  - iii. Two members nominated by the Parliament
  - iv. One chairperson of any of the registered religious societies nominated by the other chairpersons of the religious societies in the University.
  - v. Legal Office.
7. Upon investigation the Adhoc Committee shall;
  - i. Where the allegations are valid, recommend that the affected Office bearer vacates the Office.
  - ii. Where the allegations are found to be invalid recommend that the affected Office bearer be absolved from the accusations and or allegations.
8. The Committee shall be dissolved upon submission of their findings to the Office of the Dean of Students who will communicate the verdict to SOKU members within 24 hours through Notices.
9. In the event that the concerned parties do not agree with the verdict of the adhoc Committee in accordance with the provisions this Constitution, a referendum shall be initiated as in accordance with the Provisions of this Constitution
10. The Office of the Dean of Students shall within fourteen days (14) convene a referendum in which only ordinary members of SOKU shall be entitled to vote.
11. The Office bearer shall be deemed to be finally removed from Office if fifty percent plus one(50%+1) or more of the total valid votes cast in the referendum are in favor of his/her removal upon which fresh elections for the post shall be called within seven (7) days.

## **ARTICLE 49: RESIGNATION FROM OFFICE**

- i. Any Office bearer who wishes to resign shall tender his/her resignation in writing giving reasons to the Parliament through the Office of the Speaker who shall table the notice to the Parliament for discussion.
- ii. The Parliament shall have power to accept or reject any resignation from a member.
- iii. On acceptance of a resignation, the Office of Dean of Students shall be informed by the Speaker within two (2) working days of such a decision and thereafter a By-election carried out in accordance with the provisions of this Constitution.

## **ARTICLE 50: DISSOLUTION OF PARLIAMENTARY BUSINESS**

Parliamentary business shall stand dissolved by the Speaker in the last meeting before the AGM.

## **ARTICLE 51: DISSOLUTION OF PARLIAMENT**

- i. The Parliament shall stand dissolved immediately after the AGM by the Chairperson who will give a notice to SOKU members.
- ii. In the event the AGM does not take place the Chairperson shall dissolve the Parliament with a notice.
- iii. The Chairperson shall announce dissolution of the Parliament by Tuesday of the eighth (8<sup>th</sup>) week of the second semester.

## **CHAPTER SIX**

### **MEETINGS**

#### **ARTICLE 52. SOKU MEETINGS**

SOKU shall have three categories of general meetings:

- i. Annual General Meeting (AGM)
- ii. Special General Meeting (SGM).
- iii. Consultative Meeting. (CM)

#### **ARTICLE 53: ANNUAL GENERAL MEETING (AGM)**

- i. There shall be an AGM by Tuesday of **the 8<sup>th</sup> week** of the second semester.
- ii. The AGM shall be held at the University Main Campus premises.
- iii. The notice and agenda of the AGM shall be given in writing by the Secretary General at least seven (7) working days before the meeting and such a notice shall be served to the Dean of Students and copied to the Security Office.
- iv. The notice shall be displayed on the official notice boards, the University website and the SOKU Offices.
- v. The Annual General Meeting shall have a quorum of 20% of SOKU members for it to commence.



- vi. In the event the quorum for the commencement of the AGM is not met one hour after the scheduled time of meeting, the proceedings will commence with the SOKU members who are present.
- vii. The agenda of the AGM shall be as stipulated by the Secretary General including but not limited to:
  - a. Approved minutes of the previous meeting as presented by the outgoing Secretary General.
  - b. Overall reports on SOKU operations from the outgoing Chairperson.
  - c. Audited financial reports from outgoing Treasurer who must be present in such a meeting.
  - d. Any other relevant business /ideas from SOKU members deemed necessary
- viii. Unless otherwise stipulated by this Constitution, every resolution in the AGM shall be by simple majority vote of the members present.
- ix. Voting at the AGM shall be by show of hands.
- x. Students Council and Parliament stand dissolved at the end of the AGM by the Chairperson of SOKU.

#### **ARTICLE 54: SPECIAL GENERAL MEETING (SGM)**

- i. The notice and agenda of the SGM shall be given in writing by the Secretary General at least seven (7) working days before the meeting and such a notice shall be served to the Dean of Students and copied to the Security Office.
- ii. Agenda of the SGM shall be to deliberate on specific issues that emerge during the Semester.
- iii. The SGM shall be convened by the Secretary General, failure to which the Chairperson shall convene the meeting in the prescribed manner.
- iv. In the event the Chairperson and the Secretary General fail to call for the SGM, a member of the Parliament can move a motion which shall be supported by 50% +1 of the present Members of Parliament the Speaker shall give a notice of the SGM seven days after the motion is passed.
- v. In the event that the Chairperson, Secretary General and the Parliament fail to call for the SGM, any ordinary SOKU member can call for a meeting upon collection of 10% signatures of the SOKU membership and upon approval by the Dean of Students.

#### **ARTICLE 55: CONSULTATIVE MEETING (CM)**

- i. This meeting shall be called at any time for emergency purposes by the Chairperson or in his/her absence the Secretary General.
- ii. The quorum of the meeting shall be by those SOKU members present at the meeting provided that its decision shall be approved by the Parliament.
- iii. The members should be ordinary members.
- iv. The procedure for holding meetings as stipulated in the students handbook shall apply

## **CHAPTER SEVEN**

### **ELECTIONS AND BY-ELECTIONS**

- i. The electoral system shall be based on the twin principles of equality of the vote and the right of every member to vote/vie for election and hold elective Office as stipulated in this Constitution.
- ii. Elections shall be free and fair, conducted through secret ballot and must ensure full representation of all members.
- iii. The Rules and Regulations governing the Conduct and Discipline of the Students of Kibabii University shall apply.
- iv. The Electoral Commission of KIBU shall have the power to formulate and implement rules and regulations for the proper conduct of elections.

## **ARTICLE 57: TYPES OF ELECTIONS**

There shall be two types of elections

- i. General Election which shall be held annually upon dissolution of SC and Congress
- ii. By-Election which shall be held whenever an Office or seat falls vacant as defined in accordance with the provisions of this Constitution.

## **ARTICLE 58: COMPOSITION AND ESTABLISHMENT OF THE ELECTORAL COMMISSION**

1. The Kibabii University Electoral Commission shall be appointed, constituted and established by the seventh (7<sup>th</sup>) week of the second semester of the academic year to start its operations.
2. The KIBU Electoral Commission shall consist of:-
  - i. The Chairperson who shall also be the Returning Officer of the KIBU Electoral Commission appointed by the Vice-Chancellor of Kibabii University amongst members of the University Senate who have earned **PhD**.
  - ii. The Office of the Dean of Students in consultation with other members of staff, shall have the responsibility for all administrative and financial matters of the Electoral Commission.
  - iii. At least fifteen final year students appointed by the Office of the Dean of Students on competitive merit.
  - iv. A senior Officer from Kibabii University Security Office; who shall be an ex-official member.
  - v. One member from the Registrar Academic Affairs Office.
  - vi. A member from the Finance Office.
3. Members who have ever served in the SC and or Congress shall not be eligible to be appointed to serve in the Electoral Commission.
4. An Officer from the Independent Electoral and Boundaries Commission shall be an observer of SOKU elections.

**ARTICLE 59: PRESIDING OFFICERS, DEPUTY PRESIDING OFFICERS, POLLING CLERKS AND SECURITY PERSONNEL**

- i. The Office of the Dean of Students, shall in consultation with the Kibabii University Electoral Commission, appoint persons to serve in the polling station(s) as Presiding Officers, Deputy Presiding Officers, Polling Clerks and Security Personnel on merit.
- ii. The Presiding and Deputy Presiding Officers shall be drawn from members of the University Staff whereas Polling Clerks and Security Personnel from both students and staff.
- iii. The University Security Office shall liaise with the State Security Organs to provide security during the electioneering period.

**ARTICLE 60: AUTHORITY AND RESPONSIBILITY OF KIBU ELECTORAL COMMISSION.**

1. The KIBU Electoral Commission shall have the authority and responsibility to:-
  - i. Conduct and supervise elections.
  - ii. Promote free and fair elections.
  - iii. Determine, produce and announce the elections calendar of scheduled events.
  - iv. Prepare a voter register, assign and name ballot boxes and designate to polling stations according to electoral colleges and SC representation.
  - v. Provide guidelines for verification and confirmation of the voters register.
  - vi. Publish the list of all successfully nominated candidates visibly and numerously on the official University notice boards.
  - vii. Ensure that the voting procedure is simple and precise and the votes cast are counted, tabulated and provisional results announced promptly by the Presiding Officer at the polling station(s).
  - viii. Ensure that the Presiding Officer submits the results to the Chairperson of the Electoral Commission who is also the Returning Officer upon signing the prescribed form together with agents of the respective candidates.
  - ix. Ensure the results from Presiding Officers are openly and accurately collated and promptly announced by the Returning Officer at the Main Tallying Centre.
  - x. Design simple rules, which may be reviewed from time to time, that will govern the entire exercise.
  - xi. Oversee elections of the Congress which shall be conducted at the Electoral Colleges and thereafter oversee election of the SC.
2. In determining the elections' calendar, the KIBU Electoral Commission shall in consultation with the Senate consider issues of public order and security at the University level.
3. The Chairperson of KIBU Electoral Commission shall nullify the election results where election offences have been committed and proved to be valid.

4. The KIBU Electoral Commission shall ensure appropriate structures and mechanisms, including the safe keeping of all electoral material to eliminate all forms of electoral malpractices.

#### **ARTICLE 61: ELECTION OF THE ELECTORAL COLLEGE REPRESENTATIVES**

- i. For purposes of conducting the election of the Electoral College Representatives the Students Association shall constitute itself into electoral colleges based on schools and faculties as may be appropriate.
- ii. The students of each Electoral College constituted under section (1) above shall elect three representatives:
  - a) From amongst persons who are not candidates in SC
  - b) Of whom not more than two-thirds shall be of the same gender.
- iii. The three Electoral College Representatives in each respective Electoral College shall be:
  - a) Academic Representative.
  - b) Female representative.
  - c) Male representative.
- iv. The election for every Electoral College Representatives shall meet the qualifications as stipulated in accordance with the provisions of this Constitution.
- v. Each member representing an Electoral College shall be elected by the registered members of that particular Electoral College as defined in this constitution.
- vi. The Electoral College Representatives shall form the SOKU Congress.
- vii. The regulations governing the conduct of elections and the Electoral Commission rules shall apply.

#### **ARTICLE 62: ELECTION OF THE SC**

Subject to the provisions of Section 18 of the Universities (Amendment) Act, 2016, the members of the Student Council shall be elected by Electoral Colleges Representatives as follows:

- i. The SC election shall be conducted within thirty days of the election.
- ii. Members of SC shall be elected through Electoral Colleges system by the Electoral College Representatives within 30 days of the elections after the election of the Electoral College representatives.
- iii. Each candidate running for the position of Chairperson shall nominate a running mate of opposite gender and should reflect national diversity for the Office of Vice Chairperson.
- iv. Election of Special Interest Secretary shall be conducted immediately after the results of the other SIX positions in SC have been determined so that, if:
  - a) Not more than two thirds of the winners in the other SIX positions are of the same gender, then all candidates for the position of Special Interest Secretary shall be considered in the election
  - b) More than two thirds of the winners in the other SIX positions are of the same gender, then only candidates for the position of Special Interest Secretary who are of the underrepresented gender shall be considered in the election.



- c) More than two thirds of the winners in the other SIX positions are of the same gender and none of the candidates for the position of Special Interest Secretary are of the underrepresented gender:
- a. The Kibabii University Electoral Commission shall declare the position of Special Interest Secretary vacant and call for By-Election within 14 days as provided in accordance with this constitution.
  - b. Candidates of the underrepresented gender shall be cleared to run for the position of Special Interest Secretary.

#### **ARTICLE 63: ELECTION PROCEDURE**

1. The Chairperson shall announce dissolution of the Parliament by Tuesday of the eighth (8<sup>th</sup>) Week of the second semester.
2. The Electoral Commission shall, after dissolution of Parliament;
  - i. Declare all positions vacant.
  - ii. Announce the election calendar of events.
  - iii. Call for the nomination of candidates to the positions declared vacant for contest.
  - iv. Receive nomination papers from aspiring candidates.
  - v. Determine and publish the names of qualified candidates on the official notice boards.
3. The Electoral Commission shall designate the 9<sup>th</sup> and 10<sup>th</sup> week of the second semester, for Campaigns and elections, such that:
  - i. There shall be dissolution, nomination, determination and publishing of qualified candidates in the 8<sup>th</sup> week.
  - ii. There shall be hearing of Appeals of dissatisfied parties and commencement of campaigns in the 9<sup>th</sup> week.
  - iii. Qualified candidates for election shall participate in formal campaign during the 10<sup>th</sup> week.
  - iv. Election of the Electoral College Representatives shall normally be held on Friday of the 10<sup>th</sup> week of the second semester of the academic year if all factors remain constant.
  - v. Election of the SC shall normally be held within thirty (30) working days of the Electoral College Representatives elections if all factors remain constant.
4. In the event that only one candidate has successfully fulfilled the requirements stipulated in this Constitution and has been nominated for any elective position, the said candidate shall be declared unopposed.
5. In the event that no candidate declares interest or no candidate meet the qualifications of the post advertised, the post shall be declared vacant and provisions for a by-election shall apply.

6. In the event of a tie in an Election in an Electoral College, a re-run shall be carried as per the provisions of this Constitution.
7. Voting at the polling stations for the Electoral College Representatives shall commence exactly at 6.00 am and end by 2.00 pm. Voters who will be on the queue by 2.00 pm shall be allowed to cast their votes.
8. Voting at the polling stations for the SC shall be done between 8am and end by 2pm.
9. A candidate may withdraw his candidature at most 48 working hours after the end of nomination process by giving notice of such withdrawal in writing signed by the candidate and attested by three witnesses, from among SOKU members one of whom shall be his/her agent, to the Chairperson of the Electoral Commission and copied to the Dean of Students upon which such candidate's name shall be removed from the nomination list.
10. A candidate shall be allowed to nominate one agent at each polling station and Main Tallying Centre who shall witness the voting and counting of the ballot papers.
11. Any regulations governing the conduct of campaigns by candidates and their supporters shall be published by the Electoral Commission and the rules shall be availed and be signed by respective nominated candidates and that the Electoral Commission shall be the sole interpreter of any such regulations.
12. A candidate shall be declared winner upon garnering the highest number of the valid votes cast.
13. A candidate may voluntarily be personally present, and at no one time shall a candidate be barred from witnessing the counting of cast votes.
14. Provisional election results shall be declared by the Presiding Officers at every Polling Station.
15. The Returning Officer shall announce all election results at the main tallying center, and post the same results visibly and numerously in the University official notice boards within twenty-four (24) hours after the results are first announced.

#### **ARTICLE 64: VOTING**

- i. The ballot papers shall bear official names of the candidates as registered by the University.
- ii. Elections shall be by secret ballot, simple majority rule and on the principle of one member one vote.
- iii. The ballot boxes shall be transparent, of a fixed number, counted, certified and recorded.
- iv. For purposes of identification, students shall be required to produce a valid Student Identity Card and a National Identity Card or a valid Passport. In case one does not have a National Identity Card, an original National Birth Certificate shall be used.
- v. Immediately after voting, the votes shall be counted at the respective Polling Stations.
- vi. The counting shall be presided over by the Presiding Officer or the Deputy Presiding Officer at the respective Polling Station.

- vii. Candidates or their agents have the right to witness the counting and tallying of votes.
- viii. The tallying shall be presided over by the Returning Officer at the Tallying Center.
- ix. Tallying shall be done within KIBU at such place as may be determined from time to time by the KIBU Electoral Commission.
- x. Whenever there is a tie in elections, a re-run shall be occasioned.
- xi. A candidate shall be entitled to a recount of votes if they are dissatisfied with the declared results.
- xii. Elections shall strictly be restricted to students who are in session.
- xiii. In liaison with the Dean of Students Office, the KIBU Electoral Commission shall secure the votes for a period of 30 days after election.

#### **ARTICLE 65: SPOILT VOTES AND REJECTED VOTES**

During the counting of cast votes, any spoilt vote or rejected vote shall not be tallied to any of the candidates.

#### **ARTICLE 66: ELECTION OFFENCES**

1. An election offence shall disqualify a candidate.
2. For purposes of this section an election offence includes:
  - i. Impersonation
  - ii. Rigging.
  - iii. Use of physical force.
  - iv. Intimidation.
  - v. Giving false information.
  - vi. Campaigning on the polling day.
  - vii. Any other offence that Electoral Commission may define as an act of commission or omission of any other rules governing the conduct of elections.
3. The Chairperson of KIBU Electoral Commission shall nullify the election results where election offences have been committed and proved to be valid.

#### **ARTICLE 67: BY-ELECTIONS**

1. A By-election shall be held whenever an Office or seat falls vacant by reason of:
  - i. A successful petition.
  - ii. Cessation of studentship through expulsion, suspension and discontinuation from the University.
  - iii. Imprisonment for a term longer than two months
  - iv. Resignation
  - v. Death
  - vi. Physical or mental infirmity.
  - vii. Impeachment by SOKU members and Parliament.
  - viii. No candidate has qualified or applied for nomination for the position.
2. The By-election shall be scheduled within fourteen (14) calendar days of the Office or seat falling vacant and shall follow all election procedures as provided in this Constitution.

3. In the event there is no candidate who qualifies for the declared Electoral College position in the by-election, the SC election shall proceed.
4. No By-election shall be held three months to the next General Election.
5. In the event that the seat of an SC member falls vacant three months to elections, the Chairperson shall nominate another Chapter member in an acting capacity.
6. In the event that the seat of a Congress person falls vacant three months to elections, the Speaker shall nominate another Congress Person from amongst its members in acting capacity.

#### **ARTICLE 68: RE-RUN OF ELECTIONS**

- i. Re-run shall occur when there is a tie in an election.
- ii. The Chairperson of the KIBU Electoral Commission shall declare a re-run of election between the leading contestants within five (5) calendar days after the election.
- iii. The re-run shall be scheduled within fourteen (14) calendar days after the Electoral College election after which the SC elections shall proceed.
- iv. In the event there is a tie in the re-run, the SC elections shall proceed.

#### **ARTICLE 69: ELECTION PETITIONS**

1. The Vice-Chancellor shall appoint Election Appeals Committee which shall comprise of:
  - i. Deputy Vice-chancellor.
  - ii. University Legal Office.
  - iii. Registrar (AA).
  - iv. One member from Student Affairs Office.
  - v. University Chaplaincy.
  - vi. Two students drawn from Electoral Commission.
2. The Election Appeals Committee shall have the authority and responsibility as provided for in this Constitution and, in particular, shall:-
  - i. Design rules and regulations for the proper conduct of its business and procedure of election appeals.
  - ii. Receive any written petition against the election results, within 72 hours following the announcement of such results.
  - iii. Hear oral and receive written submission of the petitions.
  - iv. Within five working days of receipt of such petition, uphold or nullify the result, as it may determine and notify the KIBU Electoral Commission in writing and the KIBU Electoral Commission shall communicate to the aggrieved party within 24 working hours.
3. Any decision made by the Election Appeals Committee shall be final, binding and conclusive.
4. In the event there is no appeal received within the prescribed time, the Election Appeals Committee shall have completed its work in accordance with this section, the Committee shall stand dissolved.



## **ARTICLE 70: DISSOLUTION OF THE ELECTORAL COMMISSION**

- i. The KIBU Electoral Commission shall, if there is no petition against election results as provided for in this Constitution, stand dissolved, and hand over the election materials and records to the Office of the Dean of Students.
- ii. In the event of a Petition against election results by any person, the KIBU Electoral Commission shall await to act on the decision reached by the Elections Appeals Committee on the said petition before it stands dissolved.

## **CHAPTER EIGHT**

### **FINANCE AND INVESTMENTS**

#### **ARTICLE 71: SOURCES OF FINANCE**

SOKU shall secure its revenue from lawful sources including:-

- i. SOKU membership registration fee.
- ii. SOKU membership annual subscription fees as provided in this Constitution.
- iii. Revenue earned from Income Generating Activities.
- iv. Fund raising Activities, Grants and Donations.
- v. Allocations from the University.
- vi. Any other source as may be approved by SC and the University Management.

#### **ARTICLE 72: COLLECTION OF REVENUE**

- i. Collection of SOKU revenue shall be done as prescribed by the University Council.
- ii. The Finance Office shall collect the registration fee and annual subscription fee at the beginning of each academic year on behalf of the Association and remit to the SOKU account.
- iii. Revenue from SOKU investments shall be deposited in a specified account and evidence of such payments be submitted to the Treasurer.
- iv. Any other finances in favor of the SOKU members shall be handled as may be prescribed by University Management in consultation with the SC.

#### **ARTICLE 73: EXPENDITURE**

- i. The University procedures of managing funds shall apply.
- ii. All monies received for the purpose of SOKU shall be managed properly, in a transparent and accountable manner as shall be approved by the Parliament to provide maximum benefits to SOKU.
- iii. Claims for reimbursement after a prior approval by the Dean of Students shall be directed to the Treasurer who shall raise money for the same.
- iv. The Treasurer shall in consultation with the SC prepare budget which must be within SOKU financial ability.

- v. Any expenditure of funds in excess of the provisions of the approved budget, but within the SOKU financial ability, shall be proposed for approval by Parliament.
- vi. Any expenditure of funds in excess of the provisions of the SOKU account must be approved by University Council.
- vii. All procurement of goods and services for SOKU shall be done according to SOKU Tendering and Procurement Procedures with the advice and oversight of the Procurement Office.

#### **ARTICLE 74: FINANCIAL BENEFITS TO OFFICE BEARERS**

- i. The financial allowances and benefits paid to Office bearers shall be proposed by the Parliament and determined by the University Council provided however,
  - a) Such proposal shall not be to the disadvantage of the incoming Office bearers.
  - b) Such proposal shall be based on evidence of sustained increase in the income of SOKU Account.
  - c) All Such expenses shall come from the SOKU Account.
- ii. The benefits and allowances will be such that:
  - a) The Speaker of the Parliament, Vice Chairperson, Secretary General and Treasurer get 90% of the Chairperson's entitlement.
  - b) Deputy Speaker, Clerk, Secretaries and the Congress persons shall get 80% of Chairperson's entitlement.

#### **ARTICLE 75: SIGNATORIES TO SOKU ACCOUNT**

- i. Subject to provision of the Universities Act 2012, Universities (Amendment) 2016, Kibabii University Charter and Statutes, SOKU may operate any type of bank account for convenience and profit, as may be determined by the University Management.
- ii. In any one event, four (4) signatories to the account shall be,
  - a) The Treasurer, who shall be a mandatory signatory.
  - b) The University Finance Officer, who shall be a mandatory signatory.
  - c) The Dean of Students.
  - d) The Chairperson or in the absence of Chairperson, the Secretary General.
- iii. Funds shall be secured by Imprest through the Dean of Students Office who shall immediately inform the Treasurer for disbursement.

#### **ARTICLE 76: SOKU INVESTMENT AND ASSETS**

- i. The Treasurer shall list all assets to be tendered by way of written notice numerous and visibly on the official University notice boards.
- ii. All SOKU assets shall be recorded and an inventory maintained by the Treasurer

#### **ARTICLE 77: PROCEDURE FOR TENDERING**

1. The tendering process shall be conducted in accordance with The Public Procurement and Asset Disposal Act 2015 and Kibabii University rules and regulations and other provisions herein.
2. The tendering process shall be conducted in liaison with the University Procurement Office and shall include:

- i. The Dean of Students Office.
  - ii. Public Health Office.
  - iii. Security Office.
  - iv. Vice-Chairperson.
  - v. The Treasurer.
  - vi. A nominee from the Finance and Investments Committee of SOKU Parliament.
3. Tenders shall be awarded to successful SOKU members however, preference will be Given to Registered Clubs and Societies.
4. SOKU members, Clubs and Societies that have had a tender in not less than one year before the tendering process shall be disqualified.

#### **ARTICLE 78: DISQUALIFICATION FOR TENDERING**

Any application shall not be considered if:

- i. The Club and or society is not registered by the Dean of Students' Office
- ii. The Club and or society that has had a tender in not less than less one year before the tendering process.

#### **ARTICLE 79: FINANCIAL YEAR**

The financial year of SOKU shall run from 1<sup>st</sup> April to 31<sup>st</sup> March of the following year.

#### **ARTICLE 80: BOOKS OF ACCOUNT**

- i. Under the guidance of the University Finance Office and in compliance with the University Financial Regulations, the Treasurer shall prepare Annual Financial Report and table it during the AGM.
- ii. The Annual Financial Report shall be signed by the Chairperson and Treasurer, and in the absence of the Chairperson by the Vice Chairperson.

#### **ARTICLE 81: AUDITING OF BOOKS OF ACCOUNT**

- i. The University Auditor shall at all times have access to books and records of SOKU and shall be entitled to receive all relevant information necessary to complete the audit of SOKU accounts.
- ii. The Annual Audited financial Report shall be published after approval by Parliament not later than seven (7) calendar days before the AGM.

### **CHAPTER NINE**

#### **CLUBS AND SOCIETIES**

#### **ARTICLE 82: CLUBS AND SOCIETIES.**

1. All registered students' clubs and societies within Kibabii University will be affiliated to SOKU.

2. The procedure for forming clubs shall be in accordance with the Rules and Regulations Governing the Conduct and the Discipline of the Students of Kibabii University.
3. All clubs and societies Office bearers shall channel their complaints and recommendations through the Special Interest Secretary who shall present the same to the SC.
4. The Parliament shall recommend for the de-registration of any club which shall be done by the;
  - i. Deputy Vice Chancellor (ASA) in consultation with the Office of the Dean of Students if;
  - ii. The objectives of such a club/society are inconsistent with this Constitution.
  - iii. The club is going against the KIBU rules and regulation and the Kenya Constitution 2010.
  - iv. The Office bearers on behalf of the members shall notify the SC of its own decision to cease operation.
  - v. The membership falls below twenty (20) members.
5. However, before de-registration, the SC through the Special Interest Secretary shall issue a warning in writing to the club or society stating reasons for likely de-registration.
6. The patron or the Chairperson of the club or society may be allowed to defend the likely de-registration.
7. Upon failure to comply with reasons raised for likely de-registration then the Parliament shall recommend for de-registration of the club or society.

## **CHAPTER TEN**

### **AMENDMENTS, REVIEW AND INTERPRETATION**

#### **ARTICLE 83: AMENDMENTS**

1. This Constitution maybe amended through the following procedure:
  - i. Proposal by a Member of Parliament.
  - ii. Proposal by an Ordinary Member of SOKU through a motion presented to the Clerk, supported with one thousand (read 1000) signatures of Ordinary SOKU members, to the Parliament.
2. Parliament shall pass a motion of the proposed amendment by a vote supported by two thirds of its Members.
3. However the amendment shall only be adopted and ratified if such a proposal is supported by two thirds of Members of Parliament.
4. The proposed amendment to this Constitution shall then be forwarded to the University Senate then to the Council for approval.
5. The amendment shall be enacted once approved by the Council.



## ARTICLE 84: REVIEW OF THE CONSTITUTION

1. This Constitution may be reviewed within a period of not less than three (3) years after enactment.
2. This Constitution may be reviewed as follows:-
  - i. Any SOKU member may propose a review of the Constitution by writing to the Speaker of Parliament supported by twenty five percentage (25 %) signatures of ordinary SOKU members.
  - ii. The Speaker shall table the proposal for debate in the next Parliamentary meeting through a motion provided it was presented at least seven (7) days before the meeting.
  - iii. Parliament shall pass the motion by a two thirds majority of the members.
  - iv. The Parliament shall then forward the resolution for the review to the Office of Dean of Students for further action.
  - v. If adopted and approved by the University Council,
    - a. The Parliament shall constitute a committee to appoint an Independent Vetting Committee comprising of five final year Ordinary Members through a competitive process.
    - b. The Independent Vetting Committee shall vet members who will form the Independent Constitution Review Commission.
    - c. The Independent Constitution Review Commission shall comprise of seven (7) Ordinary Members subject to approval of Parliament.
    - d. The seven members shall comprise of three (3) final year students, one (1) Special Interests Groups representative, three (3) representatives of the other years who are Ordinary SOKU members chosen on merit through a competitive process.
  - vi. No Member of Parliament shall be allowed to sit in the Constitution Review Commission except when requested by the Commission.
  - vii. The Commission will in its first sitting elect two executive members namely the Chairperson and the Secretary to head its affairs.
  - viii. The Constitution Review Commissioners will after appointment start collecting views from SOKU members.
  - ix. The commission shall work in consultation with the University Legal Office, Office and of Registrar Academic Affairs and the Office of the Dean of Students for advisory purpose.
  - x. Any Review to this Constitution shall be effected when approved by bonafide members of SOKU through a referendum.
  - xi. For a review to be successful it should attain a threshold of 50%+1 of the cast votes.
  - xii. The referendum should take place ONLY when two thirds (65%) of the SOKU



Members are in session.

## **ARTICLE 85: INTERPRETATION**

1. In case of disagreement of any section or clause of this Constitution amongst Ordinary Members, the University Legal Officer upon request by Office of the Dean of Students shall appoint two people who must have legal knowledge and together shall interpret the Constitution.
2. In case of disagreement between Ordinary Members and the University Management then the University Council shall interpret the Constitution.
3. Such interpretation shall be done in a manner that:
  - i. Promotes the principle of quality education and services,
  - ii. Permits the creative development of the students,
  - iii. Avoid technicalities which defeat the purpose of this Constitution and,
  - iv. Advances the preamble statement of this Constitution.
4. If there is a conflict between different language versions of this Constitution, the English language version prevails.
5. Such interpretation shall be binding on all parties.

## **CHAPTER ELEVEN**

### **HANDING OVER AND TRANSITION**

#### **ARTICLE 86: TRANSITION CLAUSE**

Upon dissolution of SC and Congress, the outgoing Chairperson, Secretary General and the Treasurer shall remain in Office in Acting Capacity until the new SC is duly sworn in.

#### **ARTICLE 87: HANDING OVER CEREMONY**

1. The Dean of Students within five (5) working days after the swearing in, shall preside over the handing over of Instruments of Office in the ceremony from the outgoing to the incoming Office bearers.
2. Handing over shall be conducted in the presence of;
  - i. Internal Audit Office.
  - ii. Office of Registrar Academic Affairs.  
University Finance Office
  - iii. Security Office
  - iv. Incoming and Outgoing Office bearers whose attendance is mandatory.

## **CHAPTER TWELVE**

#### **ARTICLE 88: MISCELLANEOUS**

1. SOKU shall not be affiliated to any political organization within and outside Kenya.

2. SOKU may work with organizations, associations, professional clubs, unions and societies with similar interest subject to approval by Parliament and University Council.
3. The Vice Chancellor and SOKU Chairperson shall be the Trustee of the SOKU Constitution and copies kept by the DVC(ASA), Dean of Students, Registrar Academic Affairs (AA) and Legal Office.
4. All SOKU members are subject to the Rules and Regulations that Govern the Conduct and Discipline of students of KIBU as contained in the Student Hand Book and the University shall deal with violations whether they occur on or off campus, after due justification with concrete evidence.
5. All SOKU members shall abide by the Laws of Kenya, the Policies of the University and the SOKU Constitution.
6. Subject to provisions of this Constitution, every By-law and or Policies to govern the functions of SOKU, shall be drawn by the Student Council and approved by Parliament provided, however, that such By-law or Policies is not in any way contradictory or inconsistent with any provision of this Constitution and Universities Rules and Regulations.
7. Any Member of Parliament may initiate a by-law and or policy in Parliament provided that such By-Law and or Policy shall have been discussed and approved by the Parliament.
8. Any By-Law and or Policy passed by Parliament shall be binding to all Organs and members of SOKU.
9. All official meetings of SOKU that is, AGM, Consultative Meeting, Special General Meeting, SC meeting, Parliamentary meetings, Congressional Meeting and any other meetings shall have English and Kiswahili as the official languages.
10. The minutes of every meeting under this Constitution shall be confirmed by the Secretary General, approved by the Chairperson of such meeting and adopted at the next meeting.
11. The Association or its members are capable of suing and being sued.
12. The name STUDENTS' ORGANIZATION OF KIBABII UNIVERSITY (SOKU) or Logo of SOKU shall not be used without the authority of the Parliament.

#### **ARTICLE 89: TRANSITIONAL ARRANGEMENTS**

1. This Constitution will come into force immediately after approval by the University Council.
2. All rights, duties, obligations, assets and liabilities of KIBUCOSO existing immediately before the adoption of this Constitution shall be deemed to be transferred to SOKU upon adoption of this Constitution.
3. All existing Offices immediately before the coming into force of this Constitution shall continue to execute and exercise their authority and responsibility until the next general elections.
4. There shall be the SOKU Constitutional Transitional Committee to be constituted of the following:

- i. Dean of Students; who shall preside over as the Chairperson.
  - ii. The members of SOKU Constitution Drafting Commission that took charge of the drafting of this Constitution, except any such member who will be a candidate in next immediate general election,
  - iii. Two members from the outgoing Student Council, none of whom will be a candidate for the first elections held under this Constitution,
  - iv. The University Legal Officer
  - v. A member of Academic staff appointed by the Deputy Vice Chancellor Academics and Students' Affairs.
5. The Constitution Transitional Committee will be constituted after this Constitution is adopted by the University Council and before dissolution of the incumbent SC and Congress, and will stand dissolved one week after the inauguration and first sitting of the first Parliament elected under this Constitution.
6. The Constitution Transitional Committee shall be established to oversee the initial implementation of this Constitution, interpreting the new Constitution and overseeing the handing over of Office from the current structure to the new structure.
7. This Constitution shall remain in force until reviewed or amended procedurally by the SOKU members and or Parliament.

## **SCHEDULE**

## **ONE**

### **REPRESENTATION IN THE STUDENTS PARLIAMENT**

1. The Student Council
  - i. Chairperson
  - ii. Vice Chairperson
  - iii. Secretary General
  - iv. Treasurer
  - v. Academic Secretary
  - vi. Accommodation and Security Secretary
  - vii. Special Interest Secretary
2. The Congress
  - i. Academic Representatives
  - ii. Sport Representatives
  - iii. Catering and Health Representative(s)
  - iv. Resident Students Representatives
  - v. Non-Resident Students Representatives.
3. Students' Electoral Colleges
  - i. School of Computing and Informatics
  - ii. School of Business and Economics
  - iii. Faculty of Education and Social Sciences – Education Arts, Early Childhood Education group
  - iv. Faculty of Education and Social Sciences - Education Science, Criminology, Social Work and Journalism and Mass Communication group

- v. Faculty of Science
- vi. Approved University Campuses
- vii. Special Interest Group – Part time students, Town Campus and Post Graduate students.
- viii. Any other Electoral College as shall be proposed and be approved by the University Senate from time to time.

## SCHEDULE TWO

### OATH OF AFFIRMATION OF OFFICE FOR THE ELECTORAL COMMISSION OF KIBABII UNIVERSITY

I ----- solemnly swear/affirm that I shall diligently serve the students of Kibabii University and uphold the required standards as an Electoral Commission Officer; That, I shall discharge my duties in accordance with the Constitution of the Students Organization of Kibabii University (SOKU) and the University policies; That I shall at all times during my service promote the interest of Kibabii University in accordance with the laid down Rules and Regulations; and That, I shall at all times do justice to all students without fear, favor or ill will. So help me God.

NAME: ----- REG. NO/PF.NO: -----

SIGNATURE: ----- DATE: -----

-----  
VICE CHANCELLOR

DATE

Witness: -----

LEGAL OFFICER

DATE

## SCHEDULE THREE

### OATH OF AFFIRMATION OF OFFICE



## STUDENT LEADERS' OATH OF OFFICE

I .....having been Elected as the..... of The Students Organization of Kibabii University (SOKU) do hereby swear and pledge that, I shall uphold and defend the Constitution of SOKU, I shall seek to defend and respect the democratic - rights and liberties of all SOKU members, I shall conscientiously exercise my duties with due diligence and competence as provided for in this Constitution without fear or favor, hate or hindrance and That, I shall at all times do justice to all students without fear, favor or ill will.

So help me God.

NAME: ..... REG. NO: .....

SIGNATURE: ..... DATE: .....

VICE CHANCELLOR

DATE

Witness: .....

LEGAL OFFICER

DATE

