

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY

CONSTITUTION

OF

MASINDE MULIRO UNIVERSITY STUDENTS ORGANIZATION (MMUSO)

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2. Prof. Peter Odera - Ag. Deputy Vice Chancellor Academic and Student Affairs
3. Prof. Charles Mutai - Ag. Deputy Vice Chancellor Administration and Finance
4. Dr. Benardatte Abwao - *Dean of Students*
5. Dr. Paul Ogenga - *Chairperson, Staff Commissioner*
6. Dr. Dennis Omaiyo - *Staff Commissioner*
7. Fr. Dr. Kizito Muchanga - *Staff Editorial Commissioner*
8. Ms. Pauline Adhiambo - *Chief Editor, Staff Commissioner*
9. Mr. Shisoka Akaka - *Staff Editorial Commissioner*
10. Ms. Irene Aluku - *Staff Secretariat Commissioner*
11. Mr. Joseph M. Mugo - *Staff Secretariat Commissioner*
12. Mr. Brian Wesonga - *Chairperson, Student Commissioner*
13. Mr. Collins Ojiwa - *Student Editorial Board Commissioner*
14. Ms. Ruth Munyari - *Student Editorial Commissioner*
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16. Mr. Austine Owalo - *Student Commissioner*
17. Ms. Bathsheba Kemunto - *Student Commissioner*
18. Mr. Edwin Kipkemboi - *Student Commissioner*
19. Mr. Emmanuel Juma - *Student Commissioner*
20. Mr. Morrison Maliga - *Student Commissioner*
21. Mr. Timothy Omonge - *Student Commissioner*

PREAMBLE

By The Provisions of the Universities Act (2012) as amended in 2016, the Masinde Muliro University of Science and Technology Charter, 2013 and Masinde Muliro University of Science and Technology Statutes 2020 and the Rules and Regulations Governing the Student Conduct and Discipline;

We, the members of Masinde Muliro University Students Organization, who form an integral part of Masinde Muliro University of Science and Technology, a microcosm of society that is as rich as it is diverse in intellectual pursuits, personal devotions, moral credence, and cultural heritages,

HUMBLY submitting to the supremacy of the Almighty God and recognizing our responsibility before Him, humanity and to ourselves,

DESIRING to constitute ourselves as an organization to secure for ourselves and our posterity, academic freedom, excellence, equality, integrity, innovation, and welfare,

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

PROUD of the diversity of backgrounds and cultures of members,

UNITED by a common purpose and aspirations,

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

RECOGNISING the supreme authority of the University Council and other relevant laws of the land in all activities and organizations of the University,

ADOPT, ENACT and give this Constitution to ourselves and our future generations.

GOD BLESS MMUSO

DEFINITION OF TERMS

In this Constitution unless the context otherwise requires;

Academic Division means Teaching/Learning departments in schools, centres and institutes of Masinde Muliro University of Science and Technology.

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.

Act means Universities Act (2012) as amended in 2016.

Bona fide student refers to a student, who has reported online, registered for courses, fully paid fees, registered for the examination and attended and met all the course requirements at the specific point in time.

Campus means an institution established by the University pursuant to an order made under Section 6 of the Charter.

Caretaker Student Governing Council is an interim Student Governing Council constituted when more than half of SEC positions become vacant.

Chaplaincy is an office charged with the responsibility of ensuring the spiritual nourishment and strengthening of social fabric of the university.

Charter means Masinde Muliro University of Science and Technology Charter granted under Section 2 of the Universities Act (2012) as amended in 2016.

Co-Curricular Activities refers to student activities performed outside the normal curriculum of university education.

College means an educational institution or a constituent part of one established within the University pursuant to an order made under section 6 of the Charter.

Committee is a convened working group of MMUSO for a specific purpose within the protocol.

Dean of School refers to an officer elected or appointed by the University Council to head a school as provided in the University Statutes.

Dean of Student refers to an officer appointed by the University Council to be in charge of Student Welfare as provided for in the University Statutes.

Deciding Vote means a vote in Students Parliament that is cast to break a tie.

Disability means any physical, mental, sensory, psychological or other impairment, condition or illness that has, or is perceived by the significant sectors of the community to have substantial or long term effect on an individual's ability to carry out ordinary day to day activities as defined under article 260 of the constitution of the Republic of Kenya.

Elected Member of Students Parliament refers to a member of Students Parliament selected through a formal vote by members of an electoral college.

Electoral College is a parliamentary area of student representation based on academic schools, area of residence and satellite campuses.

Head Office refers to the MMUSO office at the Main Campus of Masinde Muliro University of Science and Technology.

International Student is a non-Kenyan student of MMUST registered by the directorate in charge of international students within MMUST.

Main campus refers to the principal administrative centre of Masinde Muliro University of Science and Technology.

MMUSO Electoral Commission refers to the board established to manage students' elections.

Needy student is a student who is financially and materially constrained.

Nominated member of Students Parliament refers to a member of Students Parliament representing a special interest group.

Non-resident refers to a student who resides in hostels that are located outside the university.

Organ refers to an arm of MMUSO governance which performs a specific function, such as SEC, Students Parliament and Members meetings.

Original Vote refers to a vote in Students Parliament that is cast by a member towards a resolution.

Presiding Officer refers to an officer in charge of a polling station.

Publish refers to the process of preparing and relaying official written information to MMUSO members via channels such as official notice boards, social media sites, email and other relevant channels.

Registrar Academic Affairs refers to an officer appointed by the University Council to assist the Deputy Vice Chancellor (Academic and Student Affairs) as provided for in the University Statutes.

Rejected Vote is a cast vote that is either damaged, ambiguous or unofficial.

School means an academic unit consisting of a number of closely related departments, which, either singly or jointly with other departments serve to offer a common academic program.

Semester refers to a period of study normally consisting of sixteen weeks or its equivalent in contact hours as may be determined from time to time by the University Senate.

Senate refers to the university policy making organ as provided for in MMUST Statutes.

Special Interests Groups refers to students with unique characteristics that require special attention.

Spoilt Vote refers to an invalid vote, which has not yet been cast.

Statutes means the formal written enactment of Masinde Muliro University of Science and Technology, the laws that govern its operations.

Student Executive Council is the executive arm of student leadership.

Students' Handbook refers to the official statement of rules and regulations governing the conduct of students at MMUST.

Students Parliament refers to the legislative and oversight organ of the student leadership.

Student refers to a person duly registered by the university as a learner for the purpose of obtaining an academic qualification.

Student Welfare refers to matters affecting the general health, happiness and safety of students including and not limited to social security, catering, accommodation and psychosocial wellbeing.

Student with Special Needs refers to a student with one or more disabilities as defined under **Article 260** of the constitution of the Republic of Kenya.

Students Baraza is a consultative meeting of MMUSO members occasioned by an emergency.

Students Organization is an association comprising students and recognised by the University Council as representing the students of the University as provided by section 21 of the Charter.

Students Parliament is the legislative organ of MMUSO.

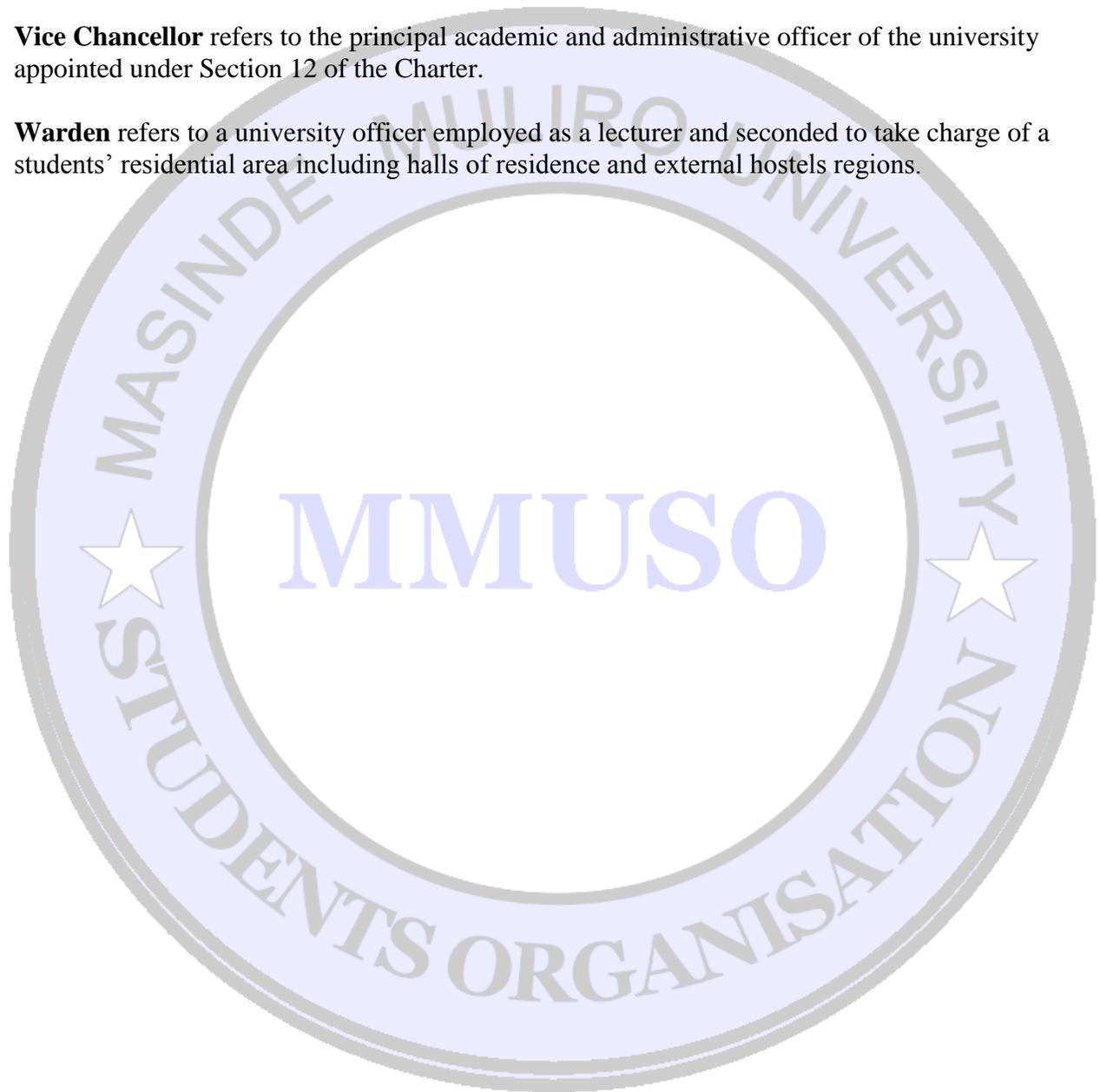
Study Center means a place outside the university campuses where a group or groups of students formally gather for the express purpose of receiving formal academic instructions in pursuit of University academic awards.

University Council means the executive governing body of Masinde Muliro University of Science and Technology as established under Section 36(1) of the Universities Act (2012) as amended in 2016.

University refers to Masinde Muliro University of Science and Technology as established under Section 3 of the Charter.

Vice Chancellor refers to the principal academic and administrative officer of the university appointed under Section 12 of the Charter.

Warden refers to a university officer employed as a lecturer and seconded to take charge of a students' residential area including halls of residence and external hostels regions.



ABBREVIATIONS AND ACRONYMS

ACGDMU	-Aids Control, Gender and Disability Mainstreaming Unit
AGM	-Annual General Meeting
DIAL	-Directorate of International Relations and Academic Linkages
DVC (ASA)	- Deputy Vice Chancellor (Academic and Student Affairs)
IGU	-Income Generating Unit
MEC	-MMUSO Electoral Commission
MMUSO	-Masinde Muliro University Students Organization
MMUST	-Masinde Muliro University of Science and Technology
NCPWD	-National Council for Persons with Disability
SEC	-Students Executive Council
SGM	-Special General Meeting



CHAPTER ONE

NAME, SCOPE, OFFICE, MANDATE AND OBJECTIVES

Article 1: Name of the Organization

Pursuant to Section 41 of the Universities Act (2012) as amended in 2016 and MMUST Statutes 2020 section XLIX, The Organization of Students of Masinde Muliro University of Science and Technology shall be known as ‘Masinde Muliro University Students Organization’, herein referred to as MMUSO; duly registered with the University Council.

Article 2: Protection of Name and Logo

Any individual student, organization, club or society may not use the name, ‘Masinde Muliro University Students Organization’ and/or the logo without the written approval of MMUSO Students Executive Council.

Article 3: Scope of Operation

This Constitution shall be applicable to all students in the colleges, schools, campuses, learning centers, and institutes of Masinde Muliro University of Science and Technology.

Article 4: Registered Office

- a) The head office of MMUSO shall be situated at the main campus of the University.
- b) The MMUSO Chairperson shall be based at the main campus.

Article 5: Mandate

The association shall have the following mandate:

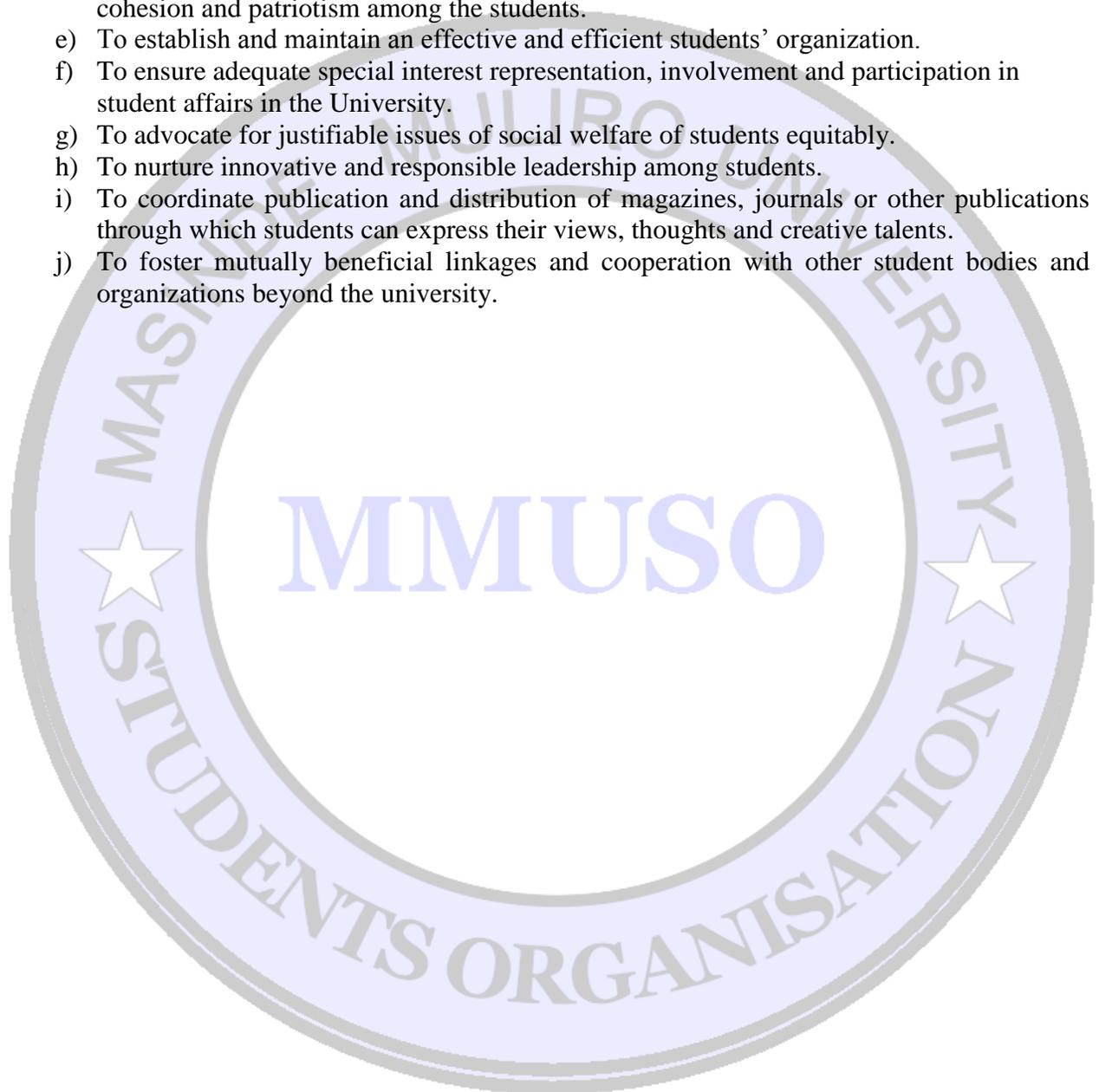
- a) To represent, advocate for, and enhance the interest and welfare of all students of MMUST.
- b) To provide services, moral and academic leadership to all students of MMUST as provided for in this constitution.
- c) To promote high ethical standards such as integrity, honesty, transparency and cohesion among students of MMUST.

Article 6: Objectives

MMUSO shall be guided by the following objectives:

- a) To foster student representation in the university organs subject to provisions of Universities Act (2012) as amended in 2016, MMUST Charter and University Statutes 2020.

- b) To cultivate, encourage and promote high standards of academic and socio-cultural values among students.
- c) To develop and inculcate positive attitudes and virtues towards the University community through participation in community service and other related projects.
- d) To promote the participation of University students in projects of national development and any other field of national undertaking hence inculcating a spirit of nationalism, cohesion and patriotism among the students.
- e) To establish and maintain an effective and efficient students' organization.
- f) To ensure adequate special interest representation, involvement and participation in student affairs in the University.
- g) To advocate for justifiable issues of social welfare of students equitably.
- h) To nurture innovative and responsible leadership among students.
- i) To coordinate publication and distribution of magazines, journals or other publications through which students can express their views, thoughts and creative talents.
- j) To foster mutually beneficial linkages and cooperation with other student bodies and organizations beyond the university.



CHAPTER TWO

MEMBERSHIP

Article 7: Categories of Membership

There shall be two categories of membership to MMUSO;

a) Ordinary Membership

- i. Ordinary membership shall be open to all duly registered students of Masinde Muliro University of Science and Technology.
- ii. An ordinary member shall pay an annual subscription fee as proposed from time to time by the Students Parliament and approved by the University Council.

b) Honorary Membership

- i. The Organization may, by a resolution passed by more than half of all the members of the Students Parliament invite any past member(s) of the Organization or any person(s) who, in the opinion of the Students Parliament and approval by the University Council, has rendered valuable services and/or contribution to the Organization or University, to become Honorary member(s) of the Organization.
- ii. Any former member of MMUSO may apply to SEC to be an honorary member of the Organization.
- iii. The SEC shall vet the applications in **Article 7bii** and present viable applications to Students Parliament for recommendation to the University Council for its approval.
- iv. The proposal by Students Parliament of such individuals shall be passed by a simple majority vote.
- v. An Honorary member shall enjoy membership for three (3) consecutive years renewable upon review and proposal by Students Parliament and subsequent approval by the University Council.
- vi. An honorary member shall not vote or be eligible to hold any office of MMUSO.
- vii. An Honorary member shall pay an annual subscription fee as proposed from time to time by the Students Parliament and approved by the University Council.

Article 8: Rights of Members

Subject to Chapter 4 of the Constitution of Kenya, 2010;

a) The rights of MMUSO members shall include;

- i. Equality
No student shall be unfairly discriminated against nor denied fair treatment and access to justice on the basis of gender, religion, creed, tribe, color, disability (being abled differently) or nationality.
- ii. Human Dignity
Every student has inherent human dignity and the right to have his or her dignity respected and protected.

- iii. Confidentiality of student records
Every student has the right to the confidentiality of his or her University records except when required by a parent, guardian or financial sponsor.
 - iv. Student success
 - a) Every student has the right to an enabling environment in which his/her success and academic excellence are encouraged and pursued.
 - b) Every student has the right to quality education, academic support, and transparent and justifiable assessment procedures.
 - v. Participation in Students Elections
 - a) Every ordinary member has the right to vote in MMUSO elections subject to **Article 62** of this constitution.
 - b) Every ordinary member has the right to vie for MMUSO elections subject to **Article 62** of this constitution.
 - vi. Every member has a right to access services and facilities offered by MMUSO.
 - vii. Right to receive and impart information and ideas.
 - viii. Every ordinary member shall have a right to seek appointment to the MMUSO Electoral Commission.
 - ix. Every member has a right to access to all relevant information relating to the affairs of the organization including the MMUSO quarterly and yearly records of financial transactions and minutes of meetings in so far as it shall be deemed reasonable.
 - x. Every ordinary member shall have the right to requisition for a vote to be taken in the AGM.
 - xi. Every member is entitled to access a copy of this constitution including a copy in Braille for the blind.
- b) Application
- i. The Bill of Rights binds all students, student bodies and the University. As such, all the aforementioned parties have the duty to respect, protect and promote these rights.
 - ii. The organs constituted by Chapter 4 of this Constitution must take reasonable steps to ensure the protection and promotion of these rights, including through engagement, where necessary, with the University authorities.
- c) Administrative Action
- Every student whose rights or legitimate expectations are materially and adversely affected by any decision taken by a student body, a member of a student body, or the university body, has the right to:
- i. Be notified of the nature and purpose of the proposed action.
 - ii. A reasonable opportunity to make representations.
 - iii. Adequate notice of any right of review or internal appeal, where applicable.
 - iv. Request reasons for the decision and to be furnished with written reasons within a reasonable time.

d) Limitations

- i. The rights in this chapter may only be limited in terms of legal rules of general application, which, for purposes of this section, are deemed to include University regulations, rules and policies.
- ii. Limitations must be designed to achieve objectives that are consistent with the values of an open democratic community based on human dignity, equality and freedom.
- iii. Limitations may not restrict the rights in this chapter more than necessary, and the impact they have on the rights of students must be proportionate to their objectives.

e) Enforcement

Any student, student body or group of students, whether acting in their own interest or in the interest of a group or class of students, may approach the University Legal Office for appropriate relief in the event of an alleged violation of their rights under this Constitution.

f) Interpretation

The rights of members must be interpreted in conformity with chapter 4 of the Constitution of the Republic of Kenya (2010), the Universities Act (2012) as amended in 2016, MMUST Statutes and Rules and Regulations Governing Students Discipline and Conduct in MMUST.

Article 9: Freedom of Members.

Subject to Chapter 4 of the Constitution of Kenya 2010, MMUSO members shall be entitled to the following freedoms:

- a) Freedom of religion, belief and opinion
Every student has the right to freedom of religion, belief and opinion.
- b) Freedom of expression
Every student has the right to freedom of expression, which does not extend to hate speech, violence, and which includes:
 - i. Freedom of academic expression and scientific research
 - ii. Freedom of the students' media
- c) Freedom of assembly, demonstration and petition
Upon approval by the Dean of Students, every student has the right to peacefully and unarmed:
 - i. Assemble and demonstrate on campus.
 - ii. Present petitions to MMUSO organs and/or to the University Management.
- d) Freedom of association
Every member has the right to freedom of association on campus, including the right to form clubs and associations with prior approval by the Dean of Students and registration by the Deputy Vice Chancellor (Academic and Student Affairs).

Article 10: The Duties of Members

MMUSO members shall endeavor to:

- a) Promote the objectives of MMUSO.
- b) Participate in MMUSO activities.
- c) Abide by all the decisions made under this Constitution.
- d) Pay annual subscription fee.
- e) Respect, uphold and defend this constitution.

Article 11: Cessation of Membership

- a) Any ordinary member of MMUSO shall cease to be a member upon successful completion of studies and subsequent clearance and graduation from the university or whenever such a member ceases to be a student at the University.
- b) An honorary member shall cease to be a member of MMUSO upon the expiry of his/her term and failure to renew it as provided in **Article 7**.

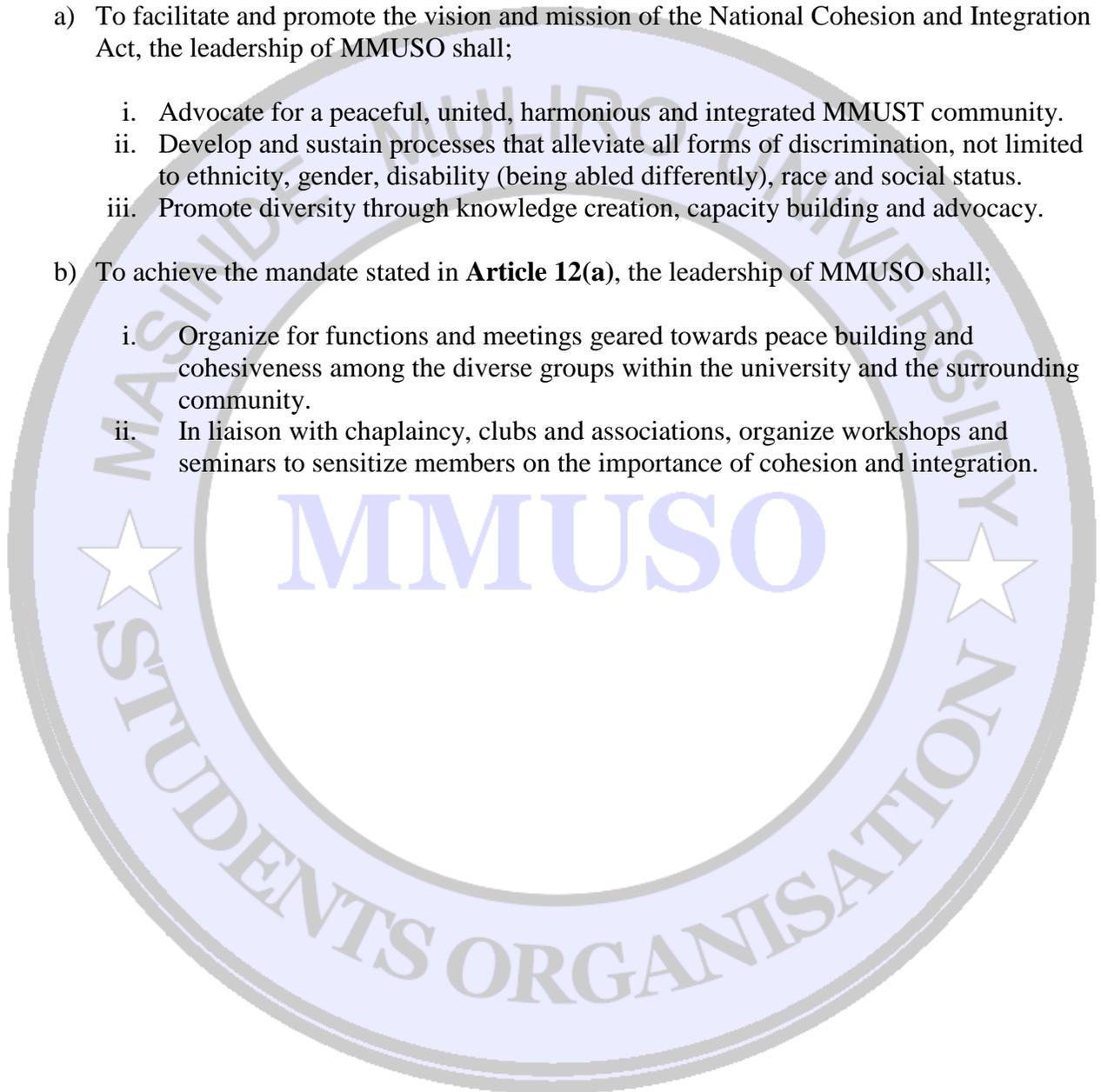


CHAPTER THREE

COHESION AND INTEGRATION

Article 12: Cohesion and Integration among MMUSO Members

- a) To facilitate and promote the vision and mission of the National Cohesion and Integration Act, the leadership of MMUSO shall;
 - i. Advocate for a peaceful, united, harmonious and integrated MMUST community.
 - ii. Develop and sustain processes that alleviate all forms of discrimination, not limited to ethnicity, gender, disability (being abled differently), race and social status.
 - iii. Promote diversity through knowledge creation, capacity building and advocacy.
- b) To achieve the mandate stated in **Article 12(a)**, the leadership of MMUSO shall;
 - i. Organize for functions and meetings geared towards peace building and cohesiveness among the diverse groups within the university and the surrounding community.
 - ii. In liaison with chaplaincy, clubs and associations, organize workshops and seminars to sensitize members on the importance of cohesion and integration.



CHAPTER FOUR

GOVERNANCE

Article 13: MMUSO Organs

MMUSO shall be governed via the following organs:

- a) The Students Executive Council
- b) Students Parliament
- c) Members Meetings

Article 14: Members Meetings

There shall be three categories of meetings for MMUSO members;

- a) The Annual General Meeting herein referred to as AGM
- b) The Special General Meetings, herein referred to as SGM
- c) The Students' Baraza

Article 15: The Annual General Meeting

- a) The AGM shall take place during the 2nd week of the second semester every academic year.
- b) The AGM shall be held in the main campus.
- c) The AGM shall be called via a notice of at least seven days by the Secretary General in consultations with the Chairperson.
- d) The agenda shall be displayed on all notice boards including the MMUSO Head Office.
- e) The notice in **Article 15(c)** shall be served to the Dean of Students and University Security Officer.
- f) The quorum for the AGM shall be 10% of the membership.
- g) The agenda of the AGM as presented by the Secretary General shall be, but not limited to;
 - i. Approval of minutes of the previous AGM as presented by the outgoing Secretary General,
 - ii. Receiving the annual financial report from the outgoing Treasurer.
 - iii. Receiving an overall report on operations from the outgoing Chairperson,
 - iv. Dissolution of the SEC and Students Parliament at the close of the AGM.
- h) Every decision during the AGM shall be by a simple majority of the members present.

Article 16: The Special General Meetings

- a) A SGM shall be held as and when need arises to deliberate on specific emergent issues during the semester.
- b) The SGM shall be called for a specific purpose by the Students Parliament through the Secretary General.
- c) Notice of SGM and Agenda shall be issued to members not less than 7 (seven) days before the date of the meeting.
- d) In case of failure of the Secretary General to call for the SGM, the Chairperson shall convene the meeting as in **Article 16(a)**.
- e) In case both the Chairperson and the Secretary General fail to call for the SGM as stipulated in **Article 16(d)** a Member of Students Parliament can move the motion which shall be supported by at least 50% plus 1(one) of the members of Students Parliament.
- f) The speaker shall give a notice of an SGM within seven days after the motion in **Article 16(e)** has been passed.
- g) In the event that **Article 16(d)** and **(e)** fail, any ordinary member of MMUSO can call for an SGM upon collection of 10% signatures of the membership and notification to the Dean of Students.

Article 17: The Students' Baraza

- a) A Students' Baraza may be convened at any given time for any purpose(s) of an emergency nature by the SEC.
- b) This must be communicated in writing by the SEC and must be approved by the Dean of Students in consultation with the Deputy Vice Chancellor, Academic and Student Affairs.
- c) A written notification of the meeting shall be issued to the Dean of Students at least 3 days prior to the meeting.
- d) The quorum of the Baraza shall be by those members present at the time of the Baraza.
- e) Resolutions made at the Baraza shall be presented to the Dean of Students for action.

CHAPTER FIVE

STUDENTS EXECUTIVE COUNCIL (SEC)

Article 18: Composition of Students Executive Council

The SEC shall consist of the following office bearers:

- a) The Chairperson
- b) The Vice Chairperson, who shall be of the opposite gender with the chairperson.
- c) The Secretary General
- d) The Treasurer
- e) The Academics Secretary
- f) The Co-curricular Secretary
- g) The Special Interests Secretary

Article 19: Qualification to Student Executive Council

An ordinary member of MMUSO qualifies for election into any of the seven SEC positions upon fulfillment of the following conditions:

- a) Be a bona fide student of MMUST.
- b) Have at least two full academic semesters remaining before completion of studies.
- c) Have a minimum average grade of 60% in the immediate previous academic year's university examinations.
- d) A first year student intending to contest should have an average of 60% of the available immediate academic results.
- e) Not be a member of MMUSO Electoral Commission.
- f) Not have been proven guilty of any criminal offence in the university.
- g) Not have held any position in SEC or Parliament for two terms in MMUST or any other University in Kenya.
- h) Have been cleared by the MMUSO Electoral Commission.

Article 20: Authority and Responsibility of Students Executive Council

The SEC shall have the authority and responsibilities as provided in this Constitution, and in particular:

- a) Shall be fully responsible for the general administration of MMUSO.
- b) Ensure all members uphold this Constitution, and that the constitution is free from willful interference.
- c) Shall, in consultation with the Dean of Students, manage or appoint other person(s) to manage MMUSO assets.
- d) Formulate policies and/or by-laws for the proper running and operation of all its organs as shall be determined from time to time, subject to approval by Students Parliament.
- e) Implement resolutions made by the Students Parliament.

- f) Appoint representatives to University Committees (not expressly provided for in this Constitution) subject to approval by the relevant Standing Parliamentary Committee.
- g) Appoint the Editorial Board subject to approval by the Students Parliament.
- h) Initiate the preparation of an Annual Budget and returns subject to approval by the Parliament.
- i) Incur expenses and raise funds subject to approval by the Students Parliament.
- j) Keep accurate and up-to-date records of MMUSO financial accounts.
- k) Liaise and foster cooperation with other University organs.
- l) Advocate for rights of MMUSO members in the Council, Senate and Senate committees and may from time to time seek legal counsel from legal experts in the best interest of members.
- m) In the case of an emergency, SEC may make decisions without due consultations with the Students Parliament, provided that such decisions are made in the best interest of members and that they are duly reported thereafter to the Students Parliament.
- n) Oversee and plan students activities for the promotion of academic, spiritual, moral and social well-being of all students in consultation with the Senate

Article 21: SEC Meetings

- a) SEC regular meetings shall be held four times each semester. However, special meetings shall be convened whenever need arises and with approval of the Dean of Students.
- b) Regular SEC meetings shall be called through a seven-day notice by the Secretary General.
- c) The quorum for the commencement and conduct of a meeting of the SEC shall be two-thirds of all members.
- d) The following shall preside over SEC meeting;
 - i. The Chairperson
 - ii. In the absence of the Chairperson, the Vice Chairperson
 - iii. In the absence of the Chairperson and the Vice Chairperson, any other member of the SEC elected by the members present at that time
- e) Proceedings of meetings shall be documented and records kept by the Secretary General.

Article 22: Decisions in SEC Meetings

- a) Decisions in SEC meetings shall only be valid
 - i. Through consensus
 - ii. Upon approval by a simple majority of the votes of the members present.
- b) Regarding a matter proposed for a decision during a meeting of the Student's Executive Council, the member presiding at the meeting shall only have a deciding vote and not an original vote.

Article 23: The Chairperson

Subject to the provisions of Universities Act (2012) as amended in 2016 and the Charter, unless specifically otherwise stipulated in this Constitution, the duties and responsibilities of the Chairperson shall be as follows:

- a) To be responsible for the overall administration of the SEC.
- b) Act as the custodian of MMUSO Constitution and to ensure that the constitution is free from willful and malicious interference.
- c) Preside over the AGM, SGM and Student Baraza.
- d) Preside over the meetings of the SEC.
- e) Represent MMUSO at Senate meetings and any other external fora when required.
- f) Be a signatory to MMUSO financial transactions and records.
- g) Ensure existence of proper and cordial relationship between the various organs of MMUSO.
- h) Delegate and assign duties (subject to approval by the SEC) to another member of the SEC or ordinary member.
- i) Make decisions during emergencies, with due consultation provided that such decisions are in the best interest of MMUSO members and are reported at the next meeting of the Students Parliament.
- j) Address the first session of the Students Parliament and every first sitting of Parliament in each semester.
- k) Exercise prudent oversight on the expenditure of funds by Parliamentary Committees.
- l) Source funds for MMUSO activities in liaison with the office of the Dean of Students.

Article 24: The Vice Chairperson

Subject to the Provisions of the Universities Act (2012) as amended in 2016 and the Charter, unless specifically otherwise stipulated in this Constitution the duties and responsibilities of the Vice Chairperson shall be to:

- a) Deputize the Chairperson in the exercise of the latter's duties.
- b) In the absence of the Chairperson, assume and act on the authority and responsibility of the Chairperson, except being a signatory to the financial accounts.
- c) Be the leader of the SEC business in the Students Parliament.
- d) Represent MMUSO at the Students Welfare Committee of the Senate.
- e) Be in charge of all student health, sanitation and social welfare matters.
- f) Coordinate and facilitate community service and related projects within and beyond the MMUST community.
- g) Coordinate emergency procedures in consultation with the University Chief Security Officer.
- h) Perform any other relevant duty as may be assigned to him/her from time to time by the Chairperson.

Article 25: The Secretary General

Subject to the provisions of the Universities Act (2012) as amended in 2016 and the Charter, unless specifically otherwise stipulated in this Constitution, the duties and responsibilities of the Secretary General shall be to:

- a) Be the official spokesperson of MMUSO.
- b) Record minutes of the AGM, SGM and Students Baraza.
- c) Maintain custody of all correspondence and records of MMUSO.
- d) Be a signatory to MMUSO financial accounts.
- e) Publicize notices of members' meetings as prescribed in this Constitution.
- f) Represent students at the University Senate and Student's Disciplinary Committee.
- g) Perform any other relevant duty as may be assigned from time to time by the Chairperson.

Article 26: The Treasurer

Subject to the provisions of the Universities Act (2012) as amended in 2016 and the Charter, unless specifically otherwise stipulated in this Constitution, the duties and responsibilities of the Treasurer shall be to:

- a) Maintain proper book keeping and accurate records of MMUSO financial transactions.
- b) Be a mandatory signatory to all MMUSO financial transactions and records.
- c) Within 30 days of assuming office and in consultation with the Chairperson, collect and harmonize committee budget proposals.
- d) Prepare and present MMUSO budget proposal to the SEC and Students Parliament for approval.
- e) Make funds available for payments of all budgeted and approved activities in accordance with the University Procurement Procedure.
- f) Present quarterly financial reports to the Students Parliament and whenever requested.
- g) Present annual audited financial accounts at the AGM.
- h) Perform any other relevant duty as may be assigned to him/her from time to time by the Chairperson.

Article 27: The Academic Secretary

Subject to the provisions of the Universities Act (2012) as amended in 2016 and the Charter, unless specifically otherwise stipulated in this Constitution, the duties and responsibilities of the Academic Secretary shall be to:

- a) Advocate for the provision of quality academic facilities, resources and services for effective and broader academic programmes of the University.

- b) Liaise with Class Representatives, Deans of Schools and the Registrar Academic Affairs in handling students' academic matters.
- c) Advocate, encourage and facilitate recurrent activities in the academic calendar.
- d) Participate in orientation of new students, in liaison with the SEC.
- e) Be a member of Academic Committee of Students Parliament.
- f) Be the Chairperson of the Editorial and Publication Committee of the Students Parliament.
- g) Perform any other relevant duty as may be assigned to him/her from time to time by the Chairperson.

Article 28: The Co-Curricular Secretary

Subject to the provisions of the Universities Act (2012) as amended in 2016 and the Charter, unless specifically otherwise stipulated in this Constitution, the duties and responsibilities of the Co-Curricular Secretary shall be to:

- a) Advocate for the acquisition and maintenance of recreational facilities in consultation with the relevant University authorities.
- b) Liaise with the games and sports department to procure and keep in safe custody all equipment and facilities required for students' sporting activities.
- c) Organise and coordinate recreational activities in liaison with relevant university authorities
- d) Liaise with relevant University authorities in conducting Social and Cultural events aimed at promoting cohesion and integration among students.
- e) Liaise with the leaders of Teams, Clubs and Associations in organizing recreational and Corporate-social activities.
- f) Be a member of the Co-Curricular Committee as established under **Article 58** of this constitution.
- g) Be a member of University Shows and Exhibitions Committee.
- h) Perform any other relevant duty as assigned to him/her from time to time by the Chairperson.

Article 29: The Special Interests Secretary

Subject to the provisions of the Universities Act (2012) as amended in 2016 and the University Charter, unless specifically otherwise stipulated in this constitution, the duties and responsibilities of the Special Interests Secretary shall be to:

- a) Advocate for the rights and unique needs of special interests groups among MMUSO members.
- b) Ensure that vulnerable MMUSO members are empowered and protected.
- c) Monitor and recommend the review of policies affecting persons with disabilities and special groups among MMUSO members.
- d) Advocate for gender equity in representation and provision of services to MMUSO members by MMUSO and University Management.

- e) Liaise with the University Chaplaincy and student leaders of religious groups to coordinate the provision of spiritual nourishment and strengthen the social fabric of the university.
- f) Perform any other relevant duty as assigned to him/her from time to time by the Chairperson.

Article 30: Cessation from SEC Office

One ceases to be a member of SEC on the following grounds:

- a) Death
- b) Resignation
- c) Insanity
- d) Suspension from the university
- e) Expulsion from the university
- f) Removal by vote of no confidence as prescribed in **Article 31**
- g) Dissolution of SEC as provided for in **Article 32**
- h) Dissolution of MMUSO

Article 31: Removal from Office in Student Executive Council

- a) Any SEC member may be removed from office on the following grounds:
 - i. Gross violation of this constitution
 - ii. Financial misappropriation
 - iii. Negligence of duty
 - iv. Insanity
- b) The SEC official shall have the right to appeal against such removal resolution to the Dean of Students within two days of being served with the removal resolution.
- c) Upon being served with a petition of appeal by the Chairperson, the Dean of Students shall, within seven days, convene a special sitting of Students Parliament where a vote of no confidence shall be taken.
- d) The SEC member shall be deemed to be finally removed from office if 50% plus 1(one) of the total votes cast in the special sitting of Students Parliament vote for his/her removal.
- e) Upon the removal from office of a SEC member as prescribed in **Article 30(e)**, fresh elections for the vacant post shall be called within two weeks.

Article 32: Dissolution of Student Executive Council

- a) SEC stands dissolved by the MMUSO Chairperson at the dissolution of Student Parliament at the closure of an AGM.
- b) In the event that the MMUSO Chairperson fails to carry out 32(a) then the Chairperson MEC shall dissolve SEC.

CHAPTER SIX

STUDENTS PARLIAMENT

Article 33: Establishment of Students Parliament

The Students Parliament shall be based at the Main Campus of the University.

Article 34: Composition of Students Parliament

Students Parliament shall be composed of:

- a) Elected Student Representatives
- b) Nominated Student Representatives
- c) Members of Students Executive Council
- d) Speaker and Deputy Speaker
- e) Dean of Students and University Legal Officer who shall be ex officio members

Article 35: Elected Members of Students Parliament

a) Elected members of Students Parliament shall be drawn from the following electoral colleges:

- i. Academic Schools
- ii. University Satellite Campus(es)
- iii. Areas of residence (Halls of residence and non-residence)
- iv. School/directorate of Post Graduate Studies

b) Elected members of Students Parliament shall comprise:

- i. One male and one female representing each academic school.
- ii. One male and one female representing each satellite campus.
- iii. One (1) person representing each hall of residence within main campus.
- iv. One male and one female representing Post Graduate students.
- v. Three males and three females representing Non-Resident Students.

Article 36: Nominated Members of Students Parliament

a) Nominated members of Students Parliament shall comprise:

- i. One male and one female student representing persons with disability (abled differently).
- ii. One male and one female student representing international students.
- iii. One male and one female student representing religious groups.

- b) The criteria for nomination to Students Parliament shall be as follows:
- i. The chaplaincy, in consultation with the student leaders of registered religious groups, shall nominate one male and one female representative and submit the names to MEC Chairperson one day to General elections.
 - ii. The university officer in charge of disability mainstreaming matters, in consultation with the student leaders of the registered disability club(s), shall nominate one male and one female representative and submit the names to MEC Chairperson one day to the General Elections.
 - iii. The university officer in charge of international students' matters, in consultation with student leaders of the registered international student association(s), shall nominate one male and one female representative and submit the names to MEC Chairperson one day to the General elections.

Article 37: Qualifications for Election and Nomination to Students Parliament

- a) One qualifies to be elected or nominated to Students Parliament if at the date of nomination for election such a person:
- i. Is a bona fide student of MMUST
 - ii. Is registered in the Electoral College/parliamentary area the member seeks to represent.
 - iii. Has a minimum average grade of 60% in the immediate previous academic year university examination.
 - iv. A first year student intending to contest must have an average of 60% of the available immediate academic results.
 - v. Not be a member of MMUSO Electoral Commission.
 - vi. Not have been proven guilty of any criminal offense at the university.
 - vii. Not have served in SEC or Parliament for two terms in MMUST or any other university in Kenya.
 - viii. A nominee for the representative of persons with disability (abled differently) must possess a valid identification from the National Council for Persons with Disabilities.
 - ix. A nominee for the representative of International Students MUST have a Kenyan Student Pass from the Department of Immigration.

Article 38: Inauguration of Students Parliament

- a) Newly elected and nominated members of Students Parliament and SEC shall be sworn in within three working days after the election of SEC, by the University Legal Officer, in the presence of the Vice Chancellor or his/her representative. Members of SEC shall be sworn in individually while members of Students Parliament shall be sworn in jointly as a group.

- b) In the event that a member of the Students Parliament is absent during the inauguration ceremony, he or she shall be sworn in by the legal officer at a special sitting.

Article 39: The Speaker and The Deputy Speaker

- a) At the first sitting after inauguration to office, the Students Parliament must elect a Speaker and a Deputy Speaker of separate gender from amongst elected and nominated students' representatives.
- b) The election of the speaker and deputy speaker shall be conducted and directed by any of the ex officio members, through secret ballot.
- c) The office of the Speaker and the Deputy Speaker shall become vacant:
 - i. When the term of office of members of the Students Parliament ends
 - ii. If the Students Parliament so resolves by a two-thirds majority vote
 - iii. If the Speaker or Deputy Speaker ceases to be a Member of Students Parliament
 - iv. By resignation in writing to the Chairperson of MMUSO
- d) The Speaker shall have the authority and responsibility as provided in this Constitution and in particular shall:
 - i. Preside over meetings of the Students Parliament.
 - ii. Enhance the rules of the Students Parliament.
 - iii. Receive motions and allocate time for each motion.
 - iv. Maintain order in the Students Parliament.
 - v. Receive petitions from MMUSO members for debate in the Students Parliament.
 - vi. Perform any other relevant duty as recommended by the Students Parliament that will enhance its efficiency and conduct.
- e) The Students Parliament must not transact any business (other than electing the Speaker or Deputy Speaker) if the office of Speaker or Deputy Speaker is vacant. However, Parliamentary Committees shall not be affected by such absence of the Speaker and Deputy Speaker.
- f) A member of the Students Parliament elected to be Speaker or Deputy Speaker shall continue to represent the parliamentary area for which he/she was elected or nominated.

Article 40: Summoning of the Students Parliament

- a) After the General Elections, the first sitting of the Students Parliament shall be convened by the Chairperson within seven working days following the inauguration of the Students Parliament. Thereafter, the Speaker of the Students Parliament shall convene subsequent meetings.
- b) In the event that the Chairperson and the Vice Chairperson fail to undertake the duty in **Article 40(a)**, the Dean of Students shall convene the meeting within another seven working days.

- c) During this first meeting, in the presence of Ex-officio members, the Speaker, the Deputy Speaker and the Clerk will be elected in accordance with **Articles 39** of this Constitution.

Article 41: Meeting of the Students Parliament

- a) Parliament shall hold regular meetings four times within each semester.
- b) The Speaker shall preside over all sittings of the Students Parliament and in his/her absence, the Deputy Speaker. However, in the absence of the two, any other member shall be elected by the Students Parliament to preside over the meeting.
- c) The Dean of Students and the Legal Officer shall attend the parliamentary meetings as ex officio members, and in their absence send representatives.
- d) Parliamentary meetings shall be held at the Main Campus.

Article 42: Quorum at the Students Parliament

- a) The quorum for the commencement and conduct of business in the Students Parliament shall be 50%.
- b) If 42(a) is not achieved thirty minutes after the scheduled time of meeting, the Speaker shall postpone that meeting and reschedule it within seven calendar days of such postponement.
- c) If during the rescheduled meeting quorum is again not attained, the Speaker shall conduct the business of the Students Parliament and the resolutions made shall be binding to all members.

Article 43: Special Sessions of the Students Parliament

- a) In the event of a special and urgent issue, a special sitting of the Students Parliament shall be called by the Speaker to deliberate on that specific issue.
- b) No new issues may be raised at such a meeting.

Article 44: Resolutions at Students Parliament

- a) A question on which a vote is to be taken shall be called a motion.
- b) A motion shall become a resolution if it has been floated to the members during a meeting of Students Parliament and they have voted in favor of it.
- c) There shall be two types of resolutions:

i. Ordinary Resolution

- a) This shall be a resolution passed at a meeting by a simple majority vote of members present.
- b) The notice for such a meeting shall be given seven (7) days before the meeting.

ii. Special Resolution.

Special resolution shall be passed to:

- a) Amend the constitution.
 - b) Alter the aims and objectives of MMUSO.
 - c) Effect dissolution of MMUSO.
 - d) Alter the name of MMUSO
- d) For other purposes an ordinary resolution shall suffice.
- e) An ordinary resolution shall be passed by two thirds (2/3) majority votes of members present.
- f) The notice of such a motion must be given seven (7) days before the SGM.

Article 45: Adjournment of Parliamentary Sessions

- a) The Speaker shall adjourn meetings only through a resolution.
- b) A date shall then be set for the next meeting.

Article 46: Regulation and Procedures in the Students Parliament:

Subject to this Constitution, the Students Parliament shall:

- a) Make rules to regulate the procedures of the Students Parliament.
- b) Subject to any rule made under **Article 46(a)**, regulate the procedures of any of its committees.

Article 47: Voting in the Students Parliament

- a) Except where special majorities are required by this Constitution:
 - i. All decisions in the Students Parliament are determined by a simple majority of the votes cast.
 - ii. Secret ballot shall be used in voting for special bills.
- b) On any question proposed for decision in Students Parliament, the person presiding shall:
 - i. Only have a deciding vote and not an original vote if such a person is the Speaker or Deputy Speaker.
 - ii. Have both an original vote and a deciding vote if such person is not the Speaker.

Article 48: Roles of the Students Parliament

The Students Parliament shall:

- a) Be the legislative organ of MMUSO.
- b) Elect its own Speaker, Deputy Speaker and Clerk at its first parliamentary sitting.
- c) Debate, approve and adopt budgetary proposals.

- d) Debate and approve policies, proposals and decisions as tabled by the Students Executive Council or the relevant Parliamentary Committees.
- e) Monitor the implementation of its resolutions by the SEC.
- f) Through its committees, institute a probe into any suspected misdeeds of any of the MMUSO organs.
- g) Observe in all its activities, the University policies and MMUSO Constitution.
- h) Parliament shall not, by rule, vest executive authority in itself.

Article 49: Parliamentary Clerk

- a) The Parliamentary Clerk shall be elected among the members of the Students Parliament in the first parliamentary sitting.
- b) The authority and responsibility of the Parliamentary Clerk shall be to;
 - i. Keep true, accurate and up-to-date records of the proceedings of the Students Parliament.
 - ii. Send notices of parliamentary meetings to members, after consultation with the Parliamentary Speaker.
 - iii. Co-ordinate the activities of the Parliamentary Committees.

Article 50: Communication to Members

All resolutions of the Students Parliament shall officially be communicated to MMUSO members by the Secretary General through the appropriate official media.

Article 51: Committees of the Students Parliament

The following shall be the committees of the Students Parliament;

- a) Editorial and Publication Committee
- b) Finance, Investments and Assets Committee
- c) Constitution and Legal Affairs Committee
- d) Special Interests Committee
- e) Academic Committee
- f) Students Welfare Committee
- g) Co-curricular Committee

Article 52: Editorial and Publication Committee

- a) The SEC shall establish the Editorial and Publication Committee comprising;
 - i. The Academic Secretary who shall be the Chairperson of the committee.
 - ii. The Chief Editor, drawn from ordinary MMUSO members, shall be proposed by SEC and approved by Students Parliament.
 - iii. Five ordinary MMUSO members
 - a. Appointed through a competitive interview by the SEC.
 - b. With relevant skills in journalism, publication and editorial work.

- c. Where not more than half should be of the same gender.
- b) A secretary shall be elected by members of the committee on the first meeting.



- c) The roles of Editorial and Publication Committee shall be to:
- i. Produce and publish MMUSO Students Magazine within the first quarter of each academic year.
 - ii. Receive articles and news from MMUSO members for a magazine publication.
 - iii. Approve the articles and photographs to be used in the magazine.
 - iv. Distribute, sell and collect proceeds from the sales of the magazine.
- d) The SEC shall be responsible for oversight of the financial transactions of the Editorial and Publication Committee.

Article 53. Finance, Investment and Assets Committee

- a) The committee shall consist of:
- i. The MMUSO Treasurer who shall be the chairperson.
 - ii. MMUSO Secretary General
 - iii. One nominated member of special interest groups
 - iv. Five other members drawn from MMUSO Student Parliament
- b) The committee shall elect a Vice Chairperson, who shall be of opposite gender to the chairperson and will also act as the secretary to the committee.
- c) The committee shall carry out the following duties:
- i. Work closely with the MMUSO Tendering Board to determine the rates to be paid for all income generating units of MMUSO.
 - ii. Oversight the collection of MMUSO funds and ensure that they are channelled into MMUSO account procedurally.
 - iii. Act as the link between MMUSO, Tendering Board and the University's IGU.
 - iv. Approve MMUSO financial report for onward submission to relevant MMUSO meetings.

Article 54. The Constitution and Legal Affairs Committee

- a) The committee shall comprise:
- i. Deputy speaker who shall be the chairperson of the committee
 - ii. MMUSO Chairperson
 - iii. MMUSO Secretary General
 - iv. Seven other members of the Students Parliament
- b) The committee shall carry out the following duties:
- i. Advise MMUSO on legal matters in accordance with this constitution.
 - ii. Represent MMUSO members whenever their rights and privileges are violated within or outside the University.
 - iii. Oversee, manage, and coordinate all constitutional and legal affairs of MMUSO.
 - iv. Offer legal interpretation of this constitution.

- v. Advice on disciplinary measures for MMUSO leaders in case of breach of conduct.
- vi. Determine the code of ethics of MMUSO operations within the Students Parliament.
- vii. Report to Students Parliament on the implementation of the constitution.

Article 55: Special Interests Committee

- a) The committee shall comprise:
 - i. The Special interests secretary, who shall be the chairperson
 - ii. Three nominated members of parliament, one from each group
 - iii. Two Satellite Campus representatives, one from each campus
 - iv. Two elected members of Students Parliament
- b) The committee shall carry out the following duties:
 - i. Oversee representation of all special interests groups in all affairs of MMUSO.
 - ii. Receive concerns from members with special needs.
 - iii. Through the Special Interests Secretary, air such concerns as in **Article 55b (ii)** to the Students Parliament.
 - iv. Liaise with the Aids Control, Gender and Disability Mainstreaming Unit, Directorate in charge of International Students and the Chaplaincy to champion the needs of special interests groups.

Article 56: Academic Committee

- a) This committee shall comprise:
 - i. Academic Secretary as the chairperson.
 - ii. Seven MMUSO parliamentarians who are School Representatives.
- b) The committee shall carry out the following duties:
 - i. Receive students' academic concerns and channel them, through the Dean of Students, to the Registrar Academic Affairs.
 - ii. Organize academic talks, seminars, workshops and exhibitions in consultation with Deans of Schools.
 - iii. Promote awareness among MMUSO members regarding academic-related policies, procedures and regulations of the university at the school level.
 - iv. Organize regular meetings with the class representatives.

Article 57: Student Welfare Committee

- a) This committee shall comprise:
 - i. MMUSO Vice Chairperson, who shall be chairperson
 - ii. Three Representatives of halls of residence
 - iii. Three Representatives of Non-residents
- b) The committee shall carry out the following duties:
 - i. Advocate for better welfare of members.
 - ii. Be the main consultative organ to the Students Parliament on matters relating directly or indirectly to students welfare.

- iii. Ensure members receive quality medical services from the university health centre.
- iv. In liaison with the Dean of Students and wardens, ensure members live in proper and habitable facilities both within and without the university.
- v. Mobilize resources towards the needy students' kitty and ensure equitable distribution.

Article 58: Co-Curricular Committee

- a) The committee shall comprise:
 - i. The Co-curricular Secretary as the chairperson
 - ii. Seven members of the Students Parliament
- b) The committee shall carry out the following duties:
 - i. Organize and host entertainment events approved by Students Parliament and the relevant university authorities.
 - ii. Organize sporting activities among MMUSO members in liaison with the University Games and Sports Section.
 - iii. Give reports and maintain detailed records of all entertainment and sporting activities to the Dean of Students.
 - iv. Hold regular meetings with leaders of various clubs and associations.
 - v. Advocate for the interests of the clubs and associations.

Article 59: Cessation as a Member of the Students Parliament

One ceases to be a member of Students Parliament on the following grounds:

- a) Death
- b) Resignation
- c) Insanity
- d) Suspension from the University
- e) Expulsion from the University
- f) Recall from Parliament as prescribed in **Article 60**.
- g) Any Member of Parliament, who fails to attend two consecutive meetings without due prior written apology to the Speaker, shall be deemed to have resigned from the Students Parliament and any other office held by such a member, hence the Speaker shall declare the position vacant.

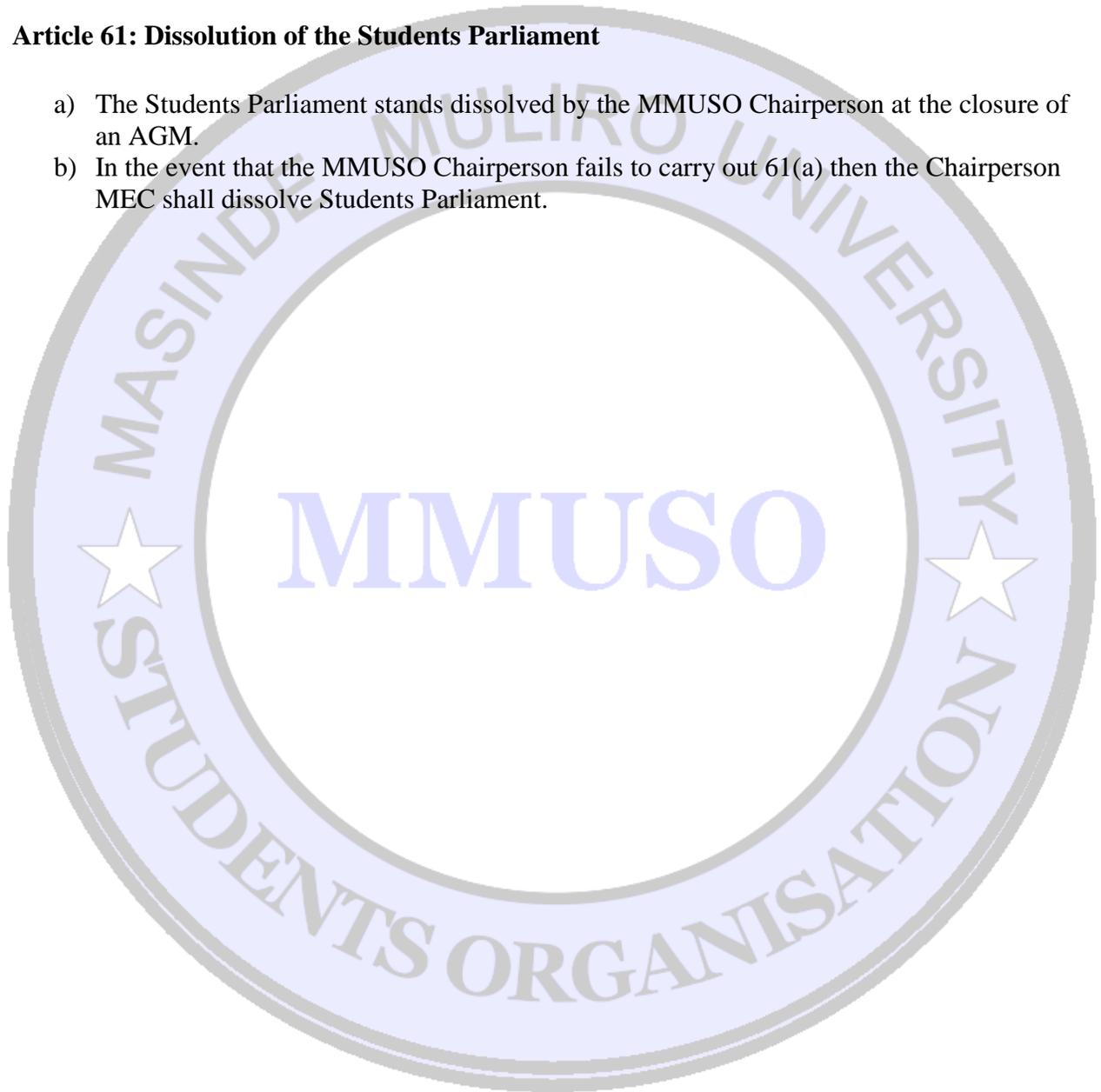
Article 60: Recall of Students Representatives from the Students Parliament

- a) This constitution provides for the recall of representatives from the Students Parliament before the expiry of term provided that:
 - i. An elected Students representative to the parliament, may be recalled through a petition by not less than 60% of registered members of his/her parliamentary area to the speaker.

- ii. In the case of the nominated Students representatives, the body authorized to nominate a member to the Students Parliament may recall its representative by means of written notification to the speaker of the Students Parliament.
- iii. Upon receipt and verification of the petition in the case of the elected representative and/or written notification in the case of a nominated representative, the speaker shall declare the position(s) vacant.

Article 61: Dissolution of the Students Parliament

- a) The Students Parliament stands dissolved by the MMUSO Chairperson at the closure of an AGM.
- b) In the event that the MMUSO Chairperson fails to carry out 61(a) then the Chairperson MEC shall dissolve Students Parliament.



CHAPTER SEVEN

ELECTIONS

Article 62: General Principles of Elections

- a) The MMUSO electoral system is based on the twin principles of equality of the vote and the right of every ordinary member of MMUSO to vote, vie for and hold an elective position.
- b) The Rules and Regulations Governing the Conduct and Discipline of the Students of Masinde Muliro University of Science and Technology shall apply.
- c) Not more than two thirds of the members of elective public bodies shall be of the same gender
- d) The electoral system shall comply with the following principles as stipulated in **Article 81** of the Kenyan Constitution:
 - i. Free, fair and credible elections. To this end, the elections shall:
 - a) Be by secret ballot.
 - b) Be free from intimidation through violence, improper influence or corruption.
 - c) Be conducted by independent body.
 - d) Be transparent
 - e) Be administered in an impartial, neutral, efficient, accurate and accountable manner.

Article 63: Types of Elections

There shall be three types of elections:

- a) General Elections which shall be held every academic year upon dissolution of SEC and Students Parliament
- b) By-Election which shall be held whenever an office or seat falls vacant as defined in **Article 73**.

Article 64: Election of Members of Students Parliament

Each member representing a parliamentary area shall be elected by universal suffrage of registered members of that particular parliamentary area as defined in **Article 35**.

Article 65: Election of the Students Executive Council (SEC)

For purposes of complying with **Section 41** of the Universities Act (2012) as amended in 2016:

- a) Members of SEC shall be elected within 7 days through Electoral College system comprising the elected students' representatives drawn from parliamentary areas.

- b) Each aspirant for the position of Chairperson shall nominate a running mate of opposite gender, different school and different ethnic background for the office of Vice Chairperson.
- c) Election of Special Interests Secretary shall be conducted immediately after the results of the other 6 positions in SEC have been concluded so that:
 - i. If not more than two thirds of the winners in the other 6 positions are of the same gender, then all candidates for the position of Special Interests Secretary shall be considered in the election.
 - ii. If more than two thirds of the winners in the other 6 positions are of the same gender, then only candidates for the position of Special Interests Secretary who are of the underrepresented gender shall be considered in the election.
 - iii. If more than two thirds of the winners in the other 6 positions are of the same gender and none of the candidates for the position of Special Interests Secretary are of the underrepresented gender:
 - a) The MMUSO Electoral Commission shall declare the position of Special Interests Secretary vacant and call for a By-Election within 14 days as provided in **Article 73(b)**.
 - b) Only candidates of the underrepresented gender shall be cleared to run for the position of Special Interests Secretary.

Article 66: Composition and Establishment of the MMUSO Electoral Commission

- a) The MMUSO Electoral Commission shall be appointed, constituted and established in the first week of the second semester of each academic year.
- b) The MMUSO Electoral Commission shall consist of: -
 - i. A member of the University Senate appointed by the Vice Chancellor, who shall be the Chairperson and the Returning Officer of the commission.
 - ii. The Dean of Students and other members of staff, who shall have the responsibility for all administrative and financial matters of the Commission.
 - iii. Fifteen student commissioners appointed through a competitive process by the Office of the Dean of Students. However, the number of Student Commissioners may increase as the number of Electoral Colleges increase.
 - iv. The University Chief Security Officer.
- c) Students who have served in the SEC or Students Parliament in the academic year the elections will be held shall not be eligible to be appointed to serve in the MMUSO Electoral Commission.
- d) Members contesting in the SEC and Students Parliamentary positions of MMUSO shall not be eligible for appointment to serve in the MMUSO Electoral Commission.

Article 67: Authority and Responsibility of the MMUSO Electoral Commission

The MEC has the authority, and is responsible for:-

- a) In the event that MMUSO Chairperson fails to dissolve Students Parliament, the Chairperson MEC shall dissolve Students Parliament
- b) Conducting and supervising nominations and elections.
- c) Ensuring free and fair elections.
- d) Determining and announcing the dates for nomination and elections.
- e) Supervising the preparation of voter registers, ballot boxes and designating polling stations according to schools.
- f) Publishing the list of successfully nominated candidates visibly and numerously in the University.
- g) Ensuring 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.
- h) Ensuring that the results from Presiding Officers are openly and accurately collated and promptly announce by the Returning Officer at the main tallying center.
- i) Designing simple rules that will govern the entire exercise until completion as prescribed in **Article 67(f)**.
- j) Overseeing elections of the SEC and Students Parliament which shall be conducted at school level.
- k) Determining the timetable for elections in consultation with the Senate and in consideration of issues of public order and security at the university level.
- l) Ensuring appropriate structures and mechanisms of eliminating all forms of electoral malpractice are put in place, including the safe keeping of all electoral materials.
- m) Conducting civic education and organizing election debates.

Article 68: Presiding Officers, Polling Clerks and Security Personnel

- a) The Dean of Students shall in consultation with MEC, appoint persons to serve in the polling station(s) as Presiding Officers, Deputy Presiding Officers, Polling Clerks and Security Personnel.
- b) Presiding Officers and Deputy Presiding officers shall be drawn from members of the University staff, while polling clerks and security personnel shall be from both students and staff.
- c) The University Chief Security Officer shall liaise with the state security organs to provide security during the voting day.

Article 69: Election Procedure

- a) MMUSO chairperson shall on a Monday of the second week of the second semester announce dissolution of the Students Parliament and SEC at an AGM.
- b) The MEC Chairperson shall be appointed by the Vice Chancellor in the first semester and shall, after dissolution of Students Parliament;
 - i. Declare all positions open for contest

- ii. Announce the dates for campaigns and elections
 - 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.
- c) MEC shall designate the 3th and 4th week of the second semester, for campaigns, such that:
- i. In the 2nd week, there shall be nominations and appeals from aggrieved aspiring candidates.
 - ii. In the 3rd week, the candidates shall be allowed to organize and conduct individual campaigns which shall run for a period not exceeding 7 days.
 - iii. In the 4th week, every candidate for election to the SEC shall attend and take part in formal campaign (including question-and- answer sessions) organized, conducted and directed by MEC.
 - iv. Elections shall normally be held in the 4th week of the second semester of the academic year if all factors remain constant.
- d) In the event that only one candidate has been nominated for any one electoral position, the candidate shall be declared elected unopposed.
- e) Voting at the polling stations shall commence at exactly 6.00 am and end at 3.00pm. However, voters who will be on the queue by 3.00pm shall be allowed to cast their votes.
- f) A candidate may withdraw his/her candidature at least 24 hours after the end of nomination process by notice of such withdrawal provided that the notice is:
- i. Given in writing
 - ii. Presented in person to the Chairperson of MEC
 - iii. Copied to the Dean of Students upon which such a candidate's name shall be removed from the nomination list.
- g) A candidate shall be allowed to nominate one agent at each polling station and the main tallying center who shall witness the voting and counting processes.
- h) Any regulations governing the conduct of campaigns by candidates and their supporters shall be:
- i. Published by MEC.
 - ii. Made available to and signed by validly nominated candidates.
 - iii. Solely interpreted by MEC.
- i) A candidate shall be declared winner upon garnering the highest number of valid votes.
- j) A candidate may voluntarily be personally present to witness the counting of casted votes.
- k) Provisional election results shall be declared by the Presiding Officer at the polling station upon signing form 7A together with agents of the candidates.
- l) Provisional election results will then be relayed to the Returning Officer at the Main Tallying Centre.
- m) The Returning Officer shall announce all election results at the main tallying center, and post them visibly and numerously in the University within 12 hours after the results are first announced.
- n) MEC shall seek the services of the Kenyan Electoral Commission in conducting MMUSO Elections.

Article 70: Voting

- a) There shall be no lectures or other programmed academic activities on the voting day.
- b) The ballot papers shall bear a colored passport sized photos of the candidates.
- c) The academic departments shall forward the lists of registered students in their respective departments to the Registrar Academic Affairs by the 2nd week of the 2nd Semester.
- d) The Registrar Academic Affairs shall consolidate the lists and forward to the MEC Chairperson by the 3rd week of the 2nd semester.
- e) The voters register shall be published in the 3rd week of the 2nd semester for inspection at designated places.
- f) Elections shall be by secret ballot, simple majority system and on the principle of one member one vote.
- g) The ballot boxes shall be transparent, of a fixed number according to the number of elections, serialized and recorded.
- h) Notwithstanding the provisions in 70(e), MEC may consider electronic voting.
- i) For purposes of identification, students shall be required to produce a valid Student Identity Card/Temporary Identity Card and National ID/Passport/Students Pass/Birth certificate.
- j) Immediately after voting, the votes shall be counted at the respective Polling stations.
- k) The counting shall be presided over by the Presiding Officer at respective polling stations in the presence of candidates' agents.
- l) Candidates or their agents have the right to witness the counting and tallying.
- m) The tallying shall be presided over by the Returning Officer at the Tallying Center.
- n) Tallying shall be done at such a place as may be determined from time to time by MEC.
- o) Whenever there is a tie in elections, there shall be a re-run until a simple majority is obtained.
- p) A candidate shall be entitled to a maximum of three recounts.
- q) Elections shall be restricted to students who are in session.
- r) The used ballot papers shall be secured for a period of 30 days by the Dean of Students office.

Article 71: Types of Votes

- a) Votes shall be classified as Valid, Spoilt or Rejected as defined by the Kenyan Electoral Commission.
- b) Spoilt and Rejected votes shall not be tallied to any of the candidates.

Article 72: Election Offense

- a) An election offence shall include:
 - i. Impersonation
 - ii. Rigging
 - iii. Violence

- 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 election.
- b) Any candidate who commits an election offence shall be disqualified.

Article 73: By-Elections

- a) A by-election shall be held whenever an office or seat falls vacant by reasons of:-
- i. A successful petition
 - ii. Cessation of studentship through expulsion, suspension or discontinuation from the University
 - iii. Imprisonment for a term longer than three months
 - iv. Death
 - v. Physical or mental infirmity
 - vi. Resignation
 - vii. Nullification of an election
 - viii. A vacancy in the Special Interests Secretary seat as prescribed in **Article 65c (iii)a.**
- b) The by-election shall take place within fourteen (14) days of the seat falling vacant and shall follow the same procedure as provided for in **Article 69** of this Constitution.
- c) No by-election shall be held within three months to the next General Election.
- i. Where the seat of a member of SEC falls vacant, the Chairperson shall appoint another SEC member in an acting capacity for the vacant seat, subject to approval of Students Parliament.
 - ii. Where the seat of a member of Students Parliament falls vacant, the Speaker shall appoint another member in acting capacity for the vacant seat subject to the approval of Students Parliament.
 - iii. If the Chairperson seat is vacant, the Vice Chairperson shall take full charge of his/her duties.

Article 74: Re-Run of Elections

In case the leading contestants get equal number of votes in an election, the Chairperson of MEC shall declare a re-run of election between the leading contestants within five calendar working days after the General Elections.

Article 75: Dissolution of the MMUSO Electoral Commission

- a) MEC shall, if there is no petition against election results, stand dissolved, and hand over their returns to the Dean of Students, when new MMUSO officials are inaugurated into office.

- b) In the event of a petition against election result, MEC shall await to act on the resolution reached by the Elections Appeals Committee on the said petition before it stands dissolved.

Article 76: Election Petitions and Appeals

- a) The Vice-Chancellor shall appoint a MMUSO Independent Electoral Petitions and Appeals Committee which shall comprise:
 - i. Registrar Academic Affairs who shall chair the committee
 - ii. University Legal Officer
 - iii. Dean of Students
 - iv. University Chaplain
 - v. Three Student Commissioners
- b) The MMUSO Election Petitions and 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 result, within 48 hours following the announcement of such results.
 - iii. Consider oral and written evidence on the petitions.
 - iv. Within five working days of receipt of such petition, uphold or nullify the result, as it may determine and notify MEC.
- c) Any resolution made by the MMUSO Election Petitions and Appeals Committee shall be final, binding and conclusive.
- d) In the event that there is no appeal received within the prescribed time or the MMUSO Election Petitions and Appeals Committee has completed its work in accordance with this section, the committee shall stand dissolved.

CHAPTER EIGHT

FINANCE, INVESTMENT AND REMUNERATION

Article 77: Sources of Finance

The finance shall be derived from: -

- a. MMUSO Membership subscription fees as provided for in this Constitution;
- b. Revenue earned from MMUSO income generating units
- c. Fund raising activities and donations
- d. Any other source approved by SEC and the University Management

Article 78: Collection of Revenue

- a) Collection of MMUSO revenue shall be done by the University Finance Officer for onward transmission to MMUSO account in a manner prescribed by the University Council such that:
 - i. Subscription fee shall be paid at the beginning of the academic year during which a member is registered for studies at the University.
 - ii. Any other MMUSO revenues shall be collected and remitted to MMUSO account in consultation with the Treasurer who shall then report to the Students Parliament.

Article 79: Expenditure

- a) The University procedures of withdrawing funds shall apply.
- b) All monies received shall be managed in a transparent and accountable manner as shall be approved by the students Parliament.
- c) All budgetary allocations must be within MMUSO financial ability.
- d) Not more than 40% of MMUSO funds shall be used to cater for monthly allowances of members of Students Parliament and SEC.
- e) 15% of funds shall be used to initiate development and investment projects within the University for the benefit of members.
- f) 30% of the MMUSO funds shall be used in organizing MMUSO social and cultural events.
- g) 15% of the funds shall be used to support the needy and vulnerable members.
- h) Any expenditure of funds in excess of the provisions of the budget shall be proposed for approval by Students Parliament.

Article 80: Procurement

Procurement shall be done in accordance with the Public Procurement and Assets Disposal Act 2015 and University Procurement Policies.

Article 81: Benefits to MMUSO Office Bearers

The office bearers shall be entitled to monetary and non-monetary benefits as follows:

a) Monthly Allowance

Office bearers shall earn respective monthly allowance as indicated in Table 1:

Table 1: Schedule of Monthly Allowance for members of SEC and Students Parliament

Position	Amount in Ksh.
Chairperson	7000
Vice Chairperson	6000
Secretary General	6500
Treasurer	6500
Academic Secretary	6000
Special Interests Secretary	6000
Co-curricular Secretary	6000
Speaker	5500
Members of the Students Parliament	4500

b) Subsistence Allowance

All office bearers shall be entitled to subsistence allowance and accommodation allowance during official meetings, workshops, seminars and any other official trip or engagement outside the university as presented in Table 2.

Table 2: Schedule of Subsistence Allowances for members of SEC and Students Parliament

Position	Amount per Sitting/Trip in Ksh	Meals and Accommodation while on Official Engagements in Ksh
Chairperson	1500	2000
Vice Chairperson	1500	2000
Secretary General	1500	2000
Treasurer	1500	2000
Academic Secretary	1500	2000
Special Interests Secretary	1500	2000
Co-Curricular Secretary	1500	2000
Speaker	1500	2000
Members of the Students Parliament	1500	2000

c) Accommodation

Members of SEC and Halls of residence Representatives shall be paid for accommodation within the university from MMUSO vote while in session.

d) Honorarium and other benefits

- i. Members of SEC and Students Parliament shall be entitled to honoraria at the discretion of the University Management at the end of their term of service.
- ii. Members of SEC and Students Parliament shall be entitled to a ten (10) days retreat at the discretion of the University Management.

Article 82: Petty Cash

- a) The Treasurer shall keep such amounts for petty disbursement as may be determined by the Students Parliament.
- b) The Treasurer shall be required to account for the petty cash as approved in **Article 82(a)** to the Students Parliament.

Article 83: Access to MMUSO Funds

The University procedure on finance and expenditure shall apply in accessing MMUSO funds.

Article 84: MMUSO Investments and Assets

The Director IGU and Procurement Officer, together with the MMUSO Finance, Investments and Assets Committee shall work on the logistics of MMUSO investments and assets.

Article 85: MMUSO Books of Accounts

The treasurer shall maintain proper MMUSO books of accounts that shall be available for audit.

CHAPTER NINE

CLUBS AND ASSOCIATIONS

Article 86: Clubs and Associations

- a) The procedure of forming clubs shall be in accordance with the Rules and Regulations Governing the Conduct and the Discipline of the Students of MMUST.
- b) All registered students' clubs and associations within MMUST shall be affiliated to MMUSO.
- c) For purposes of coordination and harmonious correlation between MMUSO leadership and the clubs and associations, there shall be a Clubs and Associations Council comprising of the Co-curricular Secretary, Special Interests Secretary and Chairpersons of all the registered clubs and associations. The council shall be headed by the Co-curricular Secretary.
- d) The leadership of clubs and associations shall liaise with the Co-curricular Secretary to champion and foster their objectives and welfare.
- e) All Clubs and Associations shall be allowed to have meetings within the university compound subject to approval from the Dean of Students and notification to the University Chief Security Officer.
- f) The Students Parliament shall recommend for deregistration of any club, society or association if:
 - i. The objectives of such a club, society or association are inconsistent with this constitution.
 - ii. The office bearers of such a club, society or association, on behalf of the members, notify the SEC of its own decision to cease operations.
 - iii. The membership falls below twenty (20) members.
- g) Before de-registration, the SEC shall issue a recommendation to the Dean of Students to issue a warning in writing to the club, society or association on the violations as stated in **Article 86(f)**.
- h) The Patron or the Chairperson of the club, society or association shall be allowed to defend the objective(s) which is/are seen as inconsistent with the constitution or may be allowed to adjust it accordingly.
- i) Upon failure to do away with or adjust the objective(s) in question and also failure to have at least 20 members, the Students Parliament shall recommend to the Dean of students to deregister the club, society or association.

CHAPTER TEN

MISCELLANEOUS

Article 87: Miscellaneous

- a) MMUSO shall not be affiliated to any political organization within or outside Kenya but may, however, work with such organizations, associations, professional clubs, unions and societies with similar interests subject to approval by SEC and Students Parliament.
- b) The Chairperson shall be the custodian of the constitution and copies shall be kept by the Dean of Students, Legal Officer and DVC (ASA).
- c) All members are subject to the Rules and Regulations Governing the Conduct and Discipline of Students of MMUST as outlined in the Students Admission Handbook, Laws of Kenya and MMUSO Constitution.
- d) Every by-law and/or policy to govern the functions of MMUSO, shall be developed by SEC and approved by Students Parliament provided, however, that such a by-law or policy is not in any way violating the provisions of this Constitution.
- e) Any Member of Students Parliament may initiate a by-law and/or policy in Students Parliament provided that such a by-law and/or policy shall have been discussed and approved by the relevant Parliamentary Committee before being tabled in Students Parliament.
- f) Any by-law and/or policy passed by Students Parliament shall be binding to all MMUSO organs and members.
- g) All meetings of MMUSO shall be conducted in English or Kiswahili with a sign language interpretation whenever need arises.

CHAPTER ELEVEN

AMENDMENTS, REVIEW AND INTERPRETATION

Article 88: Amendments

- a) This constitution may be amended by at least two thirds of all members of Students Parliament at a Parliamentary Meeting convened for that purpose.
- b) Proposal for amendment shall be brought forward by the:
 - i. Vice Chairperson on behalf of SEC.
 - ii. Any Member of Students Parliament.
- c) Such a proposal shall be forwarded to the Clerk of the Students Parliament and published at least three days before the Students Parliament meeting organized for that purpose.

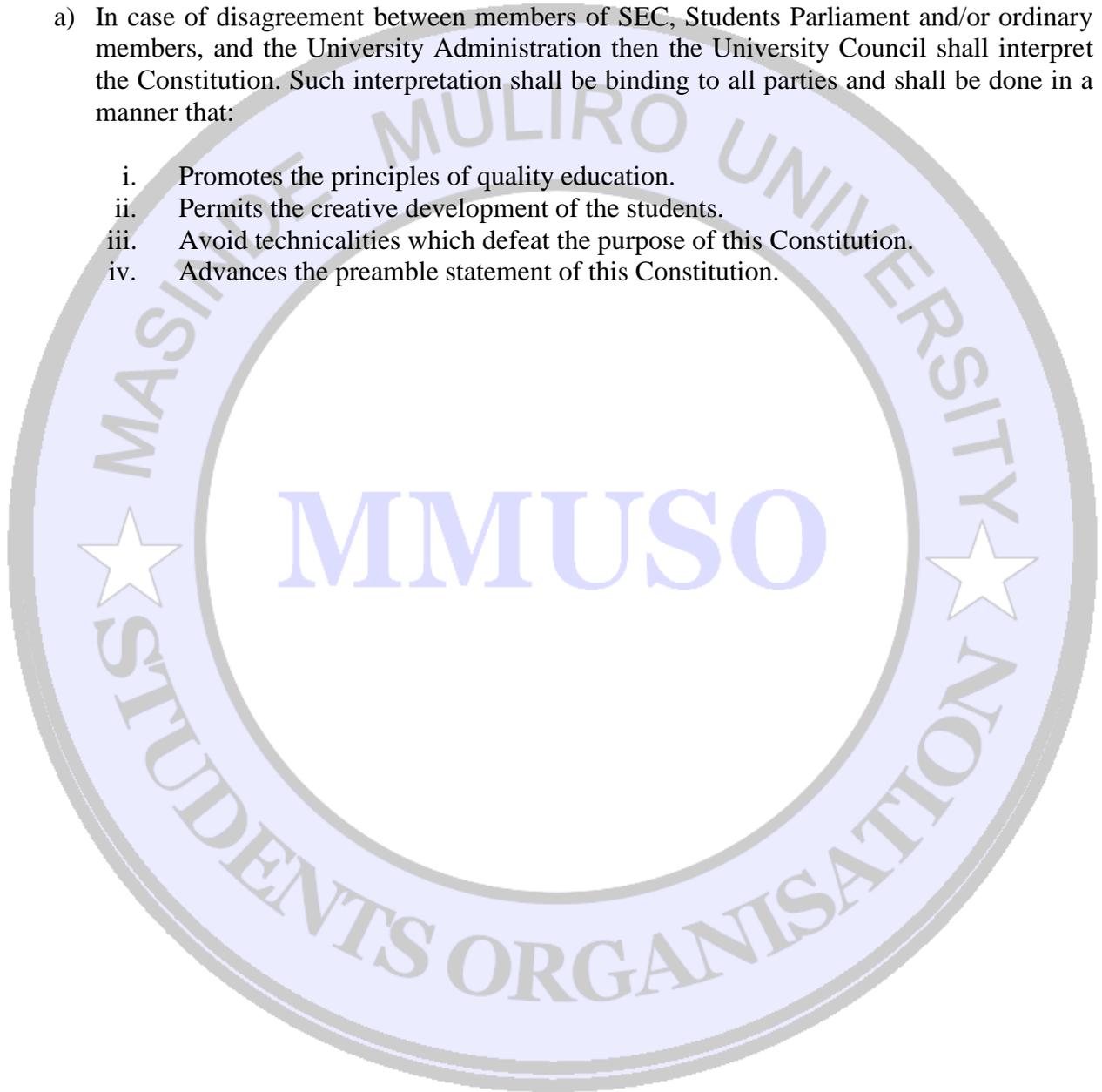
Article 89: Review of the Constitution

- a) Any Member of MMUSO may propose a review of this Constitution by writing to the Speaker of Students Parliament.
- b) The Speaker shall table the proposal for debate in Students Parliament through a motion within seven days of receiving the proposal.
- c) Students Parliament shall pass the motion by at least two thirds majority.
- d) In consultation with the Dean of Students, SEC shall form a Constitution Review Commission comprising not more than fifteen members who shall be approved by Students Parliament.
- e) Members of the Constitution Review Commission shall be selected from ordinary members on merit through a competitive process.
- f) No member of Students Parliament shall be allowed to sit in the Constitution Review Commission.
- g) The Constitution Review Commission shall on its first sitting elect two executive members namely, the Chairperson and the Secretary to head its affairs.
- h) The Constitution Review Commission shall consult the University Legal Officer, Registrar Academic Affairs, the Dean of Students and any other relevant University Office in carrying out its mandate.
- i) Any review to this Constitution shall be effected when approved by members through a referendum.
- j) The Constitution Review Commission stands dissolved upon enactment of the new constitution.
- k) There may be periodic review of the constitution every five academic years.

Article 90: Interpretation

In case of disagreement on any section or clause of this constitution amongst SEC, Students Parliament or ordinary members, the University Legal Officer will appoint two legal practitioners to interpret the section or the clause.

- a) In case of disagreement between members of SEC, Students Parliament and/or ordinary members, and the University Administration then the University Council shall interpret the Constitution. Such interpretation shall be binding to all parties and shall be done in a manner that:
 - i. Promotes the principles of quality education.
 - ii. Permits the creative development of the students.
 - iii. Avoid technicalities which defeat the purpose of this Constitution.
 - iv. Advances the preamble statement of this Constitution.



CHAPTER TWELVE

HANDING OVER AND TRANSITION

Article 91: Transition Clause

Upon dissolution of SEC and Students Parliament, the outgoing Chairperson, Secretary General and Treasurer shall remain in office in acting capacity until the new SEC is duly sworn in.

Article 92: Handing Over and Taking Over

- a) Newly elected members to the SEC shall be inaugurated through a swearing in ceremony held within the University and presided over by the Vice Chancellor within three working days from the day of their election.
- b) In case of an appeal, the swearing in ceremony shall take place within 24 hours of rendering petition results.
- c) Within three working days after the swearing in ceremony, the Dean of Students shall chair the committees overseeing and presiding over the handing over of instruments of office from the outgoing members of the SEC to the newly elected members of the SEC.
- d) Handing over shall be presided over by the Dean of Students, in the presence of:
 - i. The University Internal Auditor
 - ii. Incoming SEC and members of Students Parliament
 - iii. Outgoing members of SEC whose attendance is mandatory.
 - iv. University Chief Security Officer.

Article 93: MMUSO Constitution Transitional Arrangements

- a) This constitution shall take effect upon its adoption by the University Senate.
- b) The Constitution Transitional Committee shall be constituted after this Constitution is adopted by the University Senate.
- c) The Constitution Transitional Committee shall comprise the following:
 - i. The Dean of Students, who shall preside over as its convener.
 - ii. Two members from the outgoing SEC, none of whom will be a candidate for the first elections held under this Constitution.
 - iii. The University Legal Officer attached to the Constitution Review Commission in the course of reviewing the Constitution, who will be an ex officio member.
 - iv. A member of staff appointed by the Deputy Vice Chancellor, Academic and Student Affairs.
- d) The Constitution Transitional Committee shall carry out the following duties:
 - i. Oversee the initial implementation of this Constitution
 - ii. Interpret the new Constitution
 - iii. Oversee the handing over of office from the current structure to the new structure
 - iv. Assist in drafting provisional rules and regulations for the operations of Students Parliament.
- e) 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 held under this Constitution, provided that the officers currently in office have no

power to alter or amend this Constitution before the general elections are held under this Constitution.

- f) The incumbent SEC and Students parliament shall be dissolved two weeks after this constitution has been adopted by the University Senate to pave way for the General Elections.
- g) The Constitution Transitional Committee shall attach two members to the Electoral Commission organizing the first elections held for the first time under this Constitution as ex-officio members.
- h) Any new office created under this constitution shall only be implemented by operation of law through the first General Elections held under the provisions of this Constitution.
- i) The Constitution Transitional Committee shall be dissolved two weeks after the first sitting of the first Students Parliament elected under this Constitution. However, if any issues arise, it may be reconstituted as an ad hoc committee to address those issues.

Article 94: Establishment of Caretaker Student Governing Council

- a) Under special circumstances when at least 4 out of the 7 SEC positions fall vacant, the existing SEC stands dissolved and a Caretaker Student Governing Council shall be constituted within 3 working days.
- b) The Caretaker Student Governing Council shall be drawn from Students Parliament through an election.
- c) The Caretaker Student Governing Council shall comprise:
 - i. Chairperson
 - ii. Vice Chairperson
 - iii. Secretary General
 - iv. Treasurer
 - v. Academic Secretary
 - vi. Co-Curricular Secretary
 - vii. Special Interests Secretary
- d) In the event that the Students Parliament fails to undertake the activity in **Article 94(b)** within three working days, the University Senate shall disband Students Parliament, and constitute a MMUSO Interim Student Leaders Committee which shall within three working days constitute the Caretaker Student Governing Council, which shall then comprise:
 - i. Chairperson
 - ii. Vice Chairperson
 - iii. Secretary General
 - iv. Treasurer
 - v. Academic Secretary
 - vi. Co-Curricular Secretary
 - vii. Special Interests Secretary
 - viii. Representatives of Student Parliamentary areas
- e) The Caretaker Student Governing Council shall serve until the next general election.
- f) The Caretaker Student Governing Council shall be entitled to privileges as stipulated in **Article 81**.

- g) In constituting a Caretaker Student Governing Council, two thirds gender rule shall apply.

