



South Eastern Kenya University

**THE SOUTH EASTERN KENYA UNIVERSITY
STUDENTS ASSOCIATION
(SEKUSA) CONSTITUTION**

©2017

1

*SEKUSA CONSTITUTION, March 2017
Upholding rights and students' welfare*

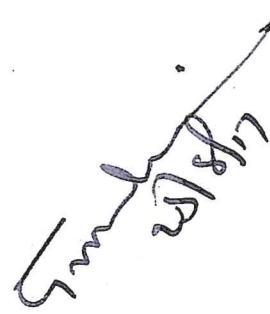
[Handwritten signature]
28/3/17

TABLE CONTENTS

CONSTITUTION OF SOUTH EASTERN KENYA UNIVERSITY STUDENTS' ASSOCIATION

CHAPTER ONE	:	NAME AND PURPOSE
Article 01	:	Name and Purpose
Article 02	:	SEKUSA's Scope of Operation
Article 03	:	Aims and Objectives of SEKUSA
CHAPTER TWO	:	MEMBERSHIP
Article 04	:	Membership
Article 05	:	Cessation of Membership
Article 06	:	Rights of Members
Article 07	:	Obligations of all Members
CHAPTER THREE	:	ORGANS OF SEKUSA
Article 08	:	Organs of SEKUSA
Article 09	:	Meeting of the AGM and SGM
CHAPTER FOUR	:	THE STUDENTS' GOVERNING COUNCIL
Article 10	:	Establishment of the Students' Governing Council
Article 11	:	Composition of the Students' Governing Council
Article 12	:	Qualification for Election to the Students' governing Council
Article 13	:	Disqualification for the Election to the Students' Governing Council
Article 14	:	Executive Authority
Article 15	:	Authority and responsibility of the Students' Governing Council
Article 16	:	Meetings of the Students' Governing Council
Article 17	:	Decisions in the Students' Governing Council
Article 18	:	The Chairperson
Article 19	:	The Vice Chairperson
Article 20	:	The Secretary General
Article 21	:	The Treasurer
Article 22	:	The Academic Secretary
Article 23	:	The Social Welfare Secretary
Article 24	:	Satellite Campuses Representative
Article 25	:	Liability of Students' Governing Council
Article 26	:	Vacation of Office

CHAPTER FIVE		FINANCE AND INVESTMENTS
Article 27	:	Sources of Finance
Article 28	:	Collection of Revenue
Article 29	:	Allocation of Revenue
Article 30	:	Expenditure
Article 31	:	Petty Cash
Article 32	:	Financial Benefit to Office Bearers
Article 33	:	Signatories of the SEKUSA
Article 34	:	Books of Accounts
Article 35	:	Management of SEKUSA funds

 2

CHAPTER SIX

Article 36
Article 37
Article 38
Article 39
Article 40
Article 41
Article 42
Article 43
Article 44
Article 45
Article 46
Article 47
Article 48
Article 49

ELECTIONS

General Principles
Elections of SEKUSA Officials
Establishment and Composition of the Electoral Committee
Ineligibility for the Electoral Committee
Authority and Responsibility of the Electoral Committee
Election Procedure for Electoral College Representatives
Election Procedure for Student Governing Council
Spoilt Votes
Election Offenses
By-Elections
Return of Election
Dismissal of Interim Members of the Electoral Committee
Election Petitions
Transition

CHAPTER SEVEN

Article 50
Article 51
Article 52
Article 53
Article 54
Article 55

MISCELLANEOUS

By-laws and Policies
Alteration of Laws
Discipline
Board of Trustees
Interpretation of this Constitution
Dissolution of SEKUSA

Handwritten signature and date 2/15/17

CONSTITUTION OF THE SOUTH EASTERN KENYA UNIVERSITY STUDENTS' ASSOCIATION

PREAMBLE

We, the students of South Eastern Kenya University,

- (a) **Aware** that the organization of students at South Eastern Kenya University (SEKU) was created to serve the student community in its pursuit of academic excellence, social welfare, peace, competitiveness in the job market and integrity,
- (b) **Exercising** our right to determine the form of association we deem suitable for our Association,
- (c) **Determined** that the values of transparency, accountability, respect for the rights of students, and social justice shall be institutionalized in our association so as to ensure that democracy is enjoyed by all students.
- (d) **Convinced** that this constitution shall guarantee the continued peaceful existence of the association known as South Eastern Kenya University students Association (SEKUSA),
- (e) **Recognizing** the desire of the students to have a constitution that will govern them,
- (f) **Acknowledging** the authority of and determined to abide by the Statutes of SEKU, Student rules and regulations, and the laws of the Republic of Kenya,
- (g) **Do hereby**, with the consent of the South Eastern Kenya University Council adopt and bind ourselves by this constitution as the Constitution of SEKUSA

DEFINITION OF TERMS

Chairperson – is the overall leader of the SEKUSA.

4
29/8/17

CHAPTER ONE

NAME AND PURPOSE

Article 01: Name and Purpose

- (1) There shall be an association of South Eastern Kenya University students known as the South Eastern Kenya University Students' Association, also referred to as SEKUSA, which following approval by the University Senate, shall be registered with the South Eastern Kenya University Council,
- (2) The South Eastern Kenya University Students' Association shall, for all purposes, be abbreviated as SEKUSA.

Article 02: SEKUSA's Scope of Operation

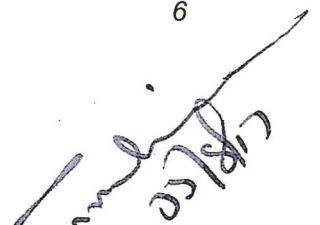
- (1) All South Eastern Kenya University Students shall abide by this constitution.
- (2) The headquarters of SEKUSA shall be located at the Main Campus of South Eastern Kenya University.
- (3) With the approval of the Students' Governing Council, there shall be a Satellite campuses representative.

Article 03: Aims and Objectives of SEKUSA

The aims and objectives of SEKUSA shall be;

- (1) To establish efficient and effective processes and organs for the formulation and administration of SEKUSA's policies,
- (2) To deepen the members' sense of duty to our South Eastern Kenya University community, families and nation,
- (3) To safeguard the rights of students in academics, disciplinary actions, administration and health services, catering and accommodation, social welfare services and security,
- (4) To provide students with suitable opportunities for a healthy social life through the arts, sports, and entertainment,
- (5) To advance gender equity and equality,
- (6) To further the integration of persons with special needs in the South Eastern Kenya University and society,

- (7) To liaise with the directorate of alumni in enhancing contact with the alumni of South Eastern Kenya University ,
- (8) To consult with the South Easter Kenya University management, to honor members of the student body who have made outstanding contributions to the South Eastern Kenya University in academic and co-curricular activities,
- (9) To develop positive relationships with the general public through participation in community service and other related projects,
- (10) With the approval of the Vice-Chancellor, to collaborate with non-political organizations, professional associations and student groups that share the aims and objectives of SEKUSA.

A handwritten signature in blue ink, appearing to read 'Vice-Chancellor', is written diagonally across the bottom right corner of the page.

CHAPTER TWO

MEMBERSHIP

Article 04: Membership

- (1) Any student admitted to South Eastern Kenya University and registered for a course at the University shall be a member of SEKUSA.
- (2) A registered student is one who has paid university fees and registered during the semester/term.

Article 05: Cessation of Membership

- 1) A member shall cease to be a member of SEKUSA when he/she ceases to be a student of the South Eastern Kenya University.
- 2) A student who ceases to be a member of SEKUSA shall not be entitled to a refund of or compensation for any subscription fee, or donations made to SEKUSA.
- 3) Membership terminations can be temporal in case of a suspension, deferral,
- 4) and one can regain membership upon resuming upon resuming studies and paying the fees.

Article 06: Rights of Members

- (1) A member has the right to;
 - (a) access the services and facilities offered by SEKUSA, provided that such access shall be through appropriate and legal means,
 - (b) Inspect SEKUSA books of accounts twenty-one calendar days after having delivered a written notice to the Treasurer of the SGC.
- (2) Upon joining the University, a member is entitled to one free copy of this constitution and a SEKUSA brochure.

Article 07: Obligations of All members

- (1) Every member shall recognize the SEKUSA officials as the representatives of the student body and shall abide by all constitutional decisions made by the Students Governing Council.
- (2) Every member shall respect the property of SEKUSA, the University and the public and any member who causes damage to the property of SEKUSA, the University or the public shall be subjected to appropriate disciplinary action.
- (3) The University or the public shall be subject to the disciplinary provisions of the University and the laws of Kenya.
- (4) Every member shall be required to honor his/her financial obligations to SEKUSA.

Handwritten signature
25/8/17

CHAPTER THREE

ORGANS OF SEKUSA

Article 08: Organs of SEKUSA

The organs of SEKUSA shall be:

- (1) The Annual General Meeting, also referred to as AGM;
- (2) The Special General Meeting, also referred to as the SGM;
- (3) The Students' Governing Council (SGC);
- (4) Any other organ determined by the Students' Governing Council.

Article 09: Meeting of the AGM and SGM

- (1) Every member shall have the right to attend the Annual General Meeting and any Special General Meeting.
- (2) Every member shall have a right to requisition that a vote be taken at the Annual General Meeting.
- (3) The Annual General Meeting, which will normally take place two weeks before dissolution of the current council, shall;
 - (a) approve the minutes of the last Annual General Meeting as presented by the Secretary-General,
 - (b) receive an overall report on SEKUSA's operations from the outgoing president,
 - (c) receive the audited annual financial report from the outgoing Finance Secretary,
 - (d) discuss any other business relevant to enhancing the functions and operations of SEKUSA.
- (4) The Chairperson shall call the Annual General Meeting through a notice given at least seven calendar days before the designed date of the meeting.
- (5) Unless otherwise provided for in this constitution, every resolution of the Annual



General Meeting shall be by a simple majority vote of those present and voting at the meeting.

- (6) Voting at the Annual General Meeting shall be by the raising of hands, unless two-thirds of the members present and voting resolve otherwise.
- (7) The quorum for the commencement of business for the Annual General Meeting shall consist of members registered for study during the semester.
- (8) Subject to the provisions of this constitution, a member may petition the Chairperson to convene a Special General Meeting and for such a Special General Meeting to occur, a written proposal, detailing the agenda for the meeting and signed by not less than 50% members registered for study during the semester shall be submitted fourteen calendar days before the proposed meeting to the Chairperson who must respond to the proposal within seven days of the proposal being served to him/her.
- (9) After receiving the petition for a Special General Meeting, the Presidents shall bring the proposal before the Students' Governing Council which shall decide whether the proposed meeting shall take place.
- (10) In consultation with the Dean of Students, the Chairperson may, as directed by the Students Governing Council, call a Special General Meeting to address the emergency issues.
- (11) Notices for holding an Annual General Meeting or a Special General Meeting shall be issued by the Secretary General, or his/her absence, by the Vice Chairperson, in the absence of both, by any other member of the Students' Governing Council as shall be determined by the Students' Governing Council when it decides to hold an Annual General Meeting or Special General Meeting.

Handwritten signature and date: 25/8/17

CHAPTER FOUR

THE STUDENTS' GOVERNING COUNCIL

Article 10: Establishment of the Students' Governing Council

- (1) There is established the Students' Governing Council of SEKUSA.
- (2) Subject to the provision of this constitution, the Students' Governing Council shall be the chief administrative and managerial organ of SEKUSA.
- (3) The office of the Students' Governing Council shall be located at the main campus of South Eastern Kenya University.
- (4) Ordinarily, meetings of the Students' Governing Council shall be held at the main campus of the South eastern Kenya University.

Article 11: Composition of the Students' Governing Council

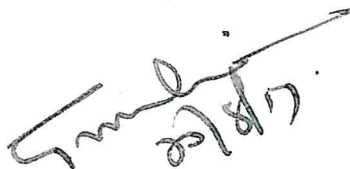
(1) The Students' Governing Council shall consist of:

- (a) The Chairperson
- (b) The Vice Chairperson
- (c) The Secretary General
- (d) The Treasurer
- (e) The Academic Secretary
- (f) The Social Welfare Secretary
- (g) The Satellite Campuses Representative

Article 12: Qualification for Election to Students' Governing Council

To qualify for election to the Students' Governing Council an aspirant must:

- (1) Aspirants seeking the position of Chairperson or Secretary General shall be nominated by at least 10% of the members whose nominations of the member shall be verified in conformity with Article 40, Section1, and subsection f,
- (2) Be a student studying at the respective campus he/she seeks to serve as campus representative.

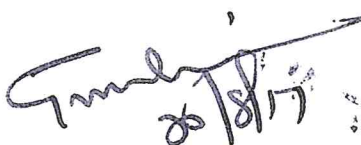


- (3) Have at least two semesters left for studying with a minimum of eight units,
- (4) Have, based on the available grades in the member's transcripts an average grade of C in the programme being undertaken, or a credit where applicable,
- (5) Be within normal time frame for completion of the degree programme selected at the time of the initial registration,
- (6) Have completed at least one semester with a full load of academic study. This section is limited to the position of the president, secretary general, Treasurer and academic secretary, where at least two semester of study are mandatory for a candidate.
- (7) Be officially designated by the office of the Dean of Students, as a special needs student, if the member is contesting for the post of special needs secretary,
- (8) Be a Kenyan citizen, if the member is contesting for the post of Chairperson,
- (9) For position of Chairperson, the Vice Chairperson shall be the running mate and the two **MUST NOT** be; of the same gender, same academic program, ethnic background, and geographical region,
- (10) The positions of the Treasurer and the Social Welfare Secretary are reserved for female candidates.

Article 13: Disqualification for the Election to the Students' Governing Council

A member is disqualified for election to the Students' Governing Council if at the time of election he/she:

- (1) Has ever been suspended from the South Eastern Kenya University and the suspension has not been revoked,
- (2) Is a member of the Electoral Committee of South Eastern Kenya University or the Elections Appeals Committee,
- (3) Has previously been removed from office for violation of this constitution,
- (4) Has received more than one warning letter from the South Eastern Kenya University for contravening the provisions governing student conduct as contained



in its statutes, regulations joining instructions or the current *Student guide: Rules and regulations governing conduct of students in halls of residence* or any subsequent student guides that replace it,

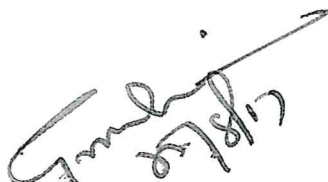
- (5) Has been convicted of a criminal offense by a court of law in the republic of Kenya or any other country,
- (6) Has held office as a member of the student council of another university for two terms,
- (7) Has repeated a year of study on academic grounds.

Article 14: Executive Authority

- (1) The executive authority of SEKUSA must be exercised for the benefit of SEKUSA members according to this constitution, the laws of the Republic of Kenya, the South Eastern Kenya University statutes, regulations, and joining instructions, the current Students guide: Rules and regulations governing conduct of students in halls of residence or any subsequent guides that shall replace it, and any other relevant statutes.
- (2) Executive authority in SEKUSA is vested in the Students' Governing Council and may be exercised either directly or indirectly by the Students' Governing Council.
- (3) Rank in the Students' Governing Council shall be exercised in this order: the Chairperson, Secretary - General, and the finance secretary.

Article 15: Authority and Responsibility of the Students' Governing Council

- (1) The Students' Governing Council shall have the authority and responsibility provided for it in this constitution and in particular shall;
 - (a) be fully responsible for the general administration of SEKUSA,
 - (b) ensure that all members uphold this constitution and that this is free from all willful interference,
 - (c) propose for the approval of policies and by-laws for the proper operation of SEKUSA and its organs,
 - (d) implement resolutions made by the Student' Governing Council,
 - (e) appoint representatives of SEKUSA to committees of the Kenya



University Student organizations not expressly provided for in this constitution,

- (f) appoint and supervise other persons to manage SEKUSA assets,
 - (g) keep accurate and timely records to manage SEKUSA assets.
- (2) The Chairperson, Secretary-General, Treasurer, Academic Secretary and the Social Welfare secretary shall remain in residence on main campus whenever any group of students is in session.

Article 16: Meetings of the Students' Governing Council

- (1) Normally, the Students' Governing Council shall meet at least twice every month during a semester.
- (2) The Chairperson shall convene every meeting of the Students' Governing Council in a manner to be determined by the Council during its first meeting following inauguration to office.
- (3) The quorum for the commencement and holding of a meeting by the Students' Governing Council shall be two thirds of the members who should be present for not less than half the entire time of the meeting.
- (4) A member who fails to attend a meeting of the Council shall forfeit his/her financial allowance for the meeting.
- (5) A member who fails to attend three consecutive meetings without any justifiable reason, his/her seat shall be declared vacant.
- (6) At a meeting of the Students' Governing Council, the following shall preside;
 - (a) The Chairperson,
 - (b) In the absence of the Chairperson , the Vice Chairperson,
 - (c) In the absence of both the Chairperson and the Vice - Chairperson any other member of the Council elected by members at that time.

Article 17: Decisions in the Students' Governing Council

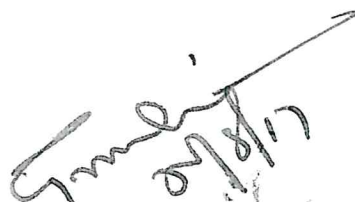
- (1) Voting in the Students' Governing Council shall be mandatory for all members.
- (2) Any matter proposed for a decision during a meeting of the Students' Governing Council shall be determined by a majority vote of the members present.



- (3) Regarding a matter proposed for a decision during a meeting of the Students' Governing Council, the member presiding at the meeting shall have a deciding vote not an original vote.

Article 18: The Chairperson

- (1) There shall be a Chairperson of the South Eastern Kenya University Students' Association.
- (2) The Chairperson shall have authority and responsibility as provided in this constitution and in particular shall:
- (a) Call and preside at meetings of the Students' Governing Council, the Annual General Meeting and any special general meeting,
 - (b) Address, at the invitation of the University, public functions of the South Eastern Kenya University,
 - (c) With the consent of the Students' Governing Council, and the South Eastern Kenya University management, represent SEKUSA at national and international levels on issues relevant to SEKUSA's interests,
 - (d) Represent SEKUSA at the students disciplinary committee, unless he/she is the subject of the disciplinary hearing,
 - (e) Ensure proper and cordial relations among the various organs of SEKUSA and the South Eastern Kenya University administration,
 - (f) Be a signatory for the SEKUSA vote for the purpose of withdrawals from this vote,
 - (g) Be responsible for the overall administration of the Students' Governing Council,
 - (h) Be the custodian of this constitution and ensure that it is free of willful and malicious interference,
 - (i) Subject to the provisions of this constitution and with the approval of the Students' Governing Council, delegate or assign duties to any other member of the Students' Governing Council,
 - (j) Following due consultation with other available members of the Students' Governing Council, make emergency decisions that are in the best interest of SEKUSA.



Article 19: The Vice Chairperson

- (1) There shall be a Vice Chairperson of the South Eastern Kenya University Student's Association.
- (2) The Vice Chairperson shall have authority and responsibility as provided in this Constitution and in particular shall;
 - (a) In the Chairperson's absence, assume and act on the authority and responsibility of the Chairperson, with the exception of the article 18, Section 2, subsection f,
 - (b) Coordinate and facilitate community service and outreach activities and other related projects,
 - (c) Be the chief liaison officer in matters pertaining to security and legal affairs,
 - (d) in consultation with the Students Governing Council, assist in the orientation of new members,
 - (e) Represent SEKUSA at the student disciplinary committee, unless he/she is the subject of a disciplinary hearing
 - (f) receive applications for registrations of clubs and societies and forward them to the Dean of Students,
 - (g) liaise with the Dean of Students in coordinating the activities of clubs and societies,
 - (h) Liaise with catering and accommodation secretary on matters of catering.

Article 20: The Secretary General

- (1) There shall be a Secretary-General of the South Eastern Kenya University Students' Organization.
- (2) The Secretary - General shall have authority and responsibility as provided in this constitution and in particular shall;
 - (a) keep, in a business-like manner, true and accurate records of the proceedings of every meeting of the Students' Governing Council, the AGM and SGM,
 - (b) subject to the directions of the Students' Governing Council, maintain and have the custody of all SEKUSA correspondence,

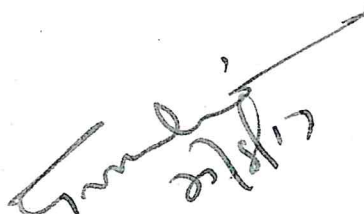


- (c) maintain the register of members,
- (d) as the Students' Governing Council's official spokesperson, communicate the Council's decision to the members and South Eastern Kenya University administration,
- (e) issue notices of meetings of the AGM and SGM,
- (f) in the absence of the Chairman, be a signatory for SEKUSA vote,
- (g) unless he/she is the subject of a disciplinary hearing, represent SEKUSA at the students disciplinary committee,
- (h) in liaison with the Dean of Students, be the chief liaison officer for information and external relations and ensure the accurate and timely dissemination of information relevant to SEKUSA,
- (i) supervise all official publications,
- (j) in liaison with the Dean of Students, Kenya University 's public relations office and Senior ICT Officer , manage and regularly update the SEKUSA page on the South Eastern Kenya University website,
- (k) be the chief liaison officer on matters pertaining to proper and efficient health and environment services,
- (l) arrange venues for the meetings and sittings of the Students' Governing Council,
- (m) in consultation with the Dean of Students, nominate student representatives to the South Eastern Kenya University editorial board.

3. With the authorization of the Vice-Chancellor, the Secretary-General may make public statements to the media and institutions outside the South Eastern Kenya University.

Article 21: The Treasurer

- (1) There shall be a Treasurer of the South Eastern Kenya University Students' Association.
- (2) The Treasurer shall have authority and responsibility as provided in this constitution and in particular shall;



- (a) keep, in a businesslike manner ,true, accurate, and timely records of the proceedings of every financial transaction of SEKUSA,
- (b) ensure that SEKUSA's books of accounts are safe,
- (c) ensure that every payment and expenditure is duly authorized,
- (d) be a mandatory signatory of the SEKUSA vote at the University finance department,
- (e) pursuant to article 30, section 4, liaise with the Deputy Vice-Chancellor (Finance Planning and Development), the Dean of Students, the Finance Officer and the South Eastern Kenya University tendering board for the procurement of SEKUSA goods and services,
- (f) at the beginning of every academic year, prepare and present the annual budget to the Students' Governing Council,
- (g) pursuant to article 34, section 2, avail SEKUSA's books of accounts to the University Internal Auditor,
- (h) present audited financial statements to the Students' Governing Council at its last sitting before the AGM,
- (i) Pursuant to article 34, section 2, Subsection c, presents an audited annual financial report to the AGM.
- (j) serve as the custodian of SEKUSA's investments and assets,
- (k) ensure that proper and efficient financial services are provided.

Article 22: The Academic Secretary

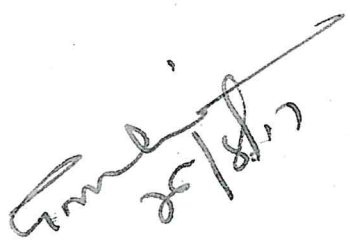
- (1) There shall be an Academic Secretary of the South Eastern Kenya University Students' Association.
- (2) The Academic Secretary shall have authority and responsibility as provided in this constitution and in particular shall;
 - (a) address issues arising directly from the academic interests of the members,
 - (b) liaise with the University for the provision of high quality academic facilities, resources and services at the University ,



- (c) represent SEKUSA at meetings of the Academic Board, The Senate and the library and the bookshop committees of the Academic Board,
- (d) promote awareness among the members regarding academic -related policies, procedures and regulations of the University .

Article 23: The Social Welfare Secretary

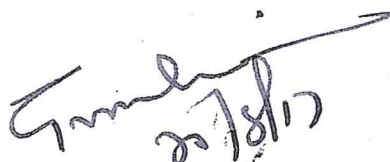
- (1) There shall be a Social Welfare Secretary of the South Eastern Kenya University Students Association.
- (2) The Social Welfare Secretary shall be elected from students with special needs
- (3) The Social Welfare Secretary shall have authority and responsibility as provided in this constitution and in particular shall;
 - (a) Represent SEKUSA at the Students' Welfare Committee of the South Eastern Kenya University and the Catering and Accommodation Services Board.
 - (b) Liaise closely with the Director, Catering and Accommodation Services in providing accommodation and catering services and addressing members concerns related to the two.
 - (c) supervise all SEKUSA activities directly related to social welfare and important network with organization concerned,
 - (d) receive and record members requests for financial assistance affecting needy students, and present the cases to the SGC and then forwards to Dean of Students
 - (e) coordinate social welfare services to members and in particular transport benevolence at times of bereavement and related services,
 - (f) be the chief liaison officer on matters pertaining to sports, games and entertainment,
 - (g) represent members with special needs in the Students Governing Council,
 - (h) deal with matters related to the welfare of members with special needs,
 - (i) maintain updated records of members with special needs,



- (j) promote the integration of members with special needs in the South Eastern Kenya University community,
- (k) research and disseminate information on programs, facilities and services available to persons with special needs,
- (l) in consultation with the Dean of Students, coordinate disability day and related activities,
- (m) advise SEKUSA and the appropriate University bodies on ways of implementing progressive national and international policies regarding persons with special needs within South Eastern Kenya University
- (n) Shall normally be among the South Eastern Kenya University delegation attending meetings and seminars on issues related to special needs students.
- (o) promote gender, equity and equality in SEKUSA and the University and network with organizations concerned about gender issues,
- (p) liaise with the appropriate offices of the Kenya University in disseminating information among members about the University gender and sexual harassment policies and in particular, keep the Students Governing Council informed of these policies
- (q) receive and record members' grievances and requests related to gender issues and forward them to the Students' Governing Council for deliberation,

Article 24: The Satellite Campuses Representative

- (1) a) Pursuant to article 02, section 3 there shall be a Satellite Campuses Representative for all the branch offices of SEKUSA established in each of the campuses.
- (2) Satellite Campuses Representative shall have authority and responsibility as provided for in this constitution and in particular shall;
 - (a) discuss matters affecting members in the satellite campuses with members of the SGC,
 - (b) prepare budget proposal for the satellite campuses for discussion by the Students' Governing Council and inclusion in the annual budget,
 - (c) maintain updated records of discussion with the members of his or her



respective campus,

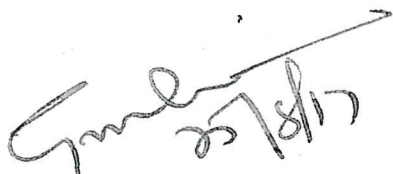
- (d) represent members of the satellite campuses in the SGC and in particular keep the Students' Governing Council informed of matters related to SEKUSA in the satellite campuses,
- (e) work with other members of the Students' Governing Council in coordinating SEKUSA activities in the satellite campuses,
- (f) in consultation with the Secretary - General, communicate with members and the South Eastern Kenya University administration of the satellite campuses,
- (g) collaborate with the Treasurer in managing SEKUSA investments and fixed assets in the satellite campuses.

Article 25: Liability of Students' Governing Council

The members of the Students' Governing Council may be held jointly or severally liable for negligence and mismanagement of the affairs of SEKUSA, but they shall not be held liable for the misdeeds of the individual members in their private affairs. Furthermore provided that they carry themselves responsibly, constitutionally, and with dignity they shall not be victimized for discharging their official duties.

Article 26: Vacation of Office

- (1) A member of the Students' Governing Council shall vacate the office when the member;
 - (a) completes his/her term and a newly elected office bearer is inaugurated in accordance with the provisions of this constitution,
 - (b) ceases to be student of South Eastern Kenya University ,
 - (c) submits a letter of resignation which explains the reasons of the member's resignation and the Students' Governing Council accepts it,
 - (d) other than the President, other members of the Students' Governing Council shall submit letters of resignation to the President,
 - (e) the Chairperson shall submit his/her letter of resignation to the Dean of Students,
 - (f) receives a vote of no confidence cast by at least two thirds of members attending a Special General Meeting in accordance with Article 09.



- (g) is suspended from the University and the suspension is not revoked,
 - (h) is found guilty of violating this constitution, the University statutes, regulations, joining instructions or the provisions contained in the current *Student guide: Rules and regulations governing conduct of students in halls of residence* on campus or any subsequent student guides that shall replace it,
 - (i) fails to proceed to subsequent year of study on academic grounds,
 - (j) has received more than one warning letter from the University for contravening the regulations governing students' conduct as contained in its statutes,
 - (k) is convicted of criminal offence by a court of law in the republic of Kenya or any other country,
 - (l) is unable to execute the functions of his/her office by reason of infirmity of mind or body.
- (2) If an office in the Students' Governing Council becomes vacant, the vacant office shall be filled as follows;
- (a) if the vacant office has a Vice , the Vice shall assume office tentatively for a period of three weeks before a by-election,
 - (b) if the office has no Vice , then the Students Governing Council shall by consensus appoint one of his members to fill the vacancy until the by-election in three weeks time
 - (c) if the office is declared vacant three months to the general election, then article 26: 2. (a) and (b) shall not be applicable but the appointed bearers shall act up the end of the term.



CHAPTER FIVE

FINANCE AND INVESTMENTS

Article 27: Sources of Finance

- (1) The funds of SEKUSA shall be derived from:
- (a) South Eastern Kenya University membership and subscription fees as provided for in this constitution;
 - (b) revenue earned from SEKUSA income generating activities;
 - (c) fundraising and donations;
 - (d) Any other sources proposed by the Students' Governing Council and approved by the South Eastern Kenya University management.
- (2) The University shall create a Vote where membership fees, subscriptions and other income for SEKUSA shall be transacted.

Article 28: Collection of Revenue

- (a) SEKUSA funds shall be recorded in the SEKUSA Vote
- (b) All the Association's transactions are subject to the university internal control mechanism
- (c) As contained in Chapter two, the membership fee shall be paid once at the time of initial registration
- (d) As contained in Chapter two, the subscription fee shall be paid at every subsequent registration per semester.

Article 29: Allocation of Revenue

- (1) SEKUSA funds shall be allocated in the following manner:
- (a) 10% per annum of this fund shall act as bursary and shall be allocated to only the needy students for payment of fees or upkeep whichever the priority. Such needy students shall be determined by the Students' Governing Council and the Dean of Students.
 - (b) All other monies shall be utilized as determined by the Students' Governing Council for the benefits of the student's welfare as contained in article 30(1).



Article 30: Expenditure

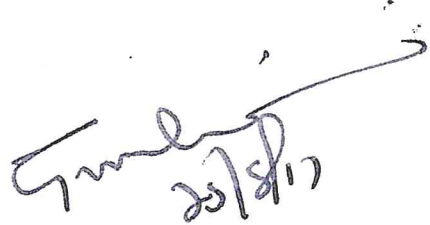
- (1) A vote shall be created to receive SEKUSA money
- (2) All monies received for the purpose of SEKUSA must be spent for the benefit of SEKUSA according to the recommendations of Students' Governing Council and the approval of the South Eastern Kenya University management.
- (3) As the need arises, the Chairperson and the Treasurer shall make requests through the Dean of Students for expenditure according to the schedule and expenditures determined at the beginning of the semester.
- (4) All procurements of goods and services for SEKUSA shall be done accordance with the South Eastern Kenya University tendering and procurement procedures.

Article 31: Petty Cash

- (1) The Treasurer may keep such amounts for petty cash disbursement as determined by Students' Governing Council and approved by the Deputy Vice-Chancellor (Finance, Planning and Development).
- (2) The Students' Governing Council shall authorize a disbursement of only Kenya Shillings ten thousand (K.Shs.10, 000.00) per month.
- (3) No imprest request shall be made before outstanding imprests have been accounted for in full.
- (4) The Treasurer shall make a withdrawal and only with the approval of the Students' Governing Council and the withdrawal shall be properly reported to the Council.

Article 32: Financial Benefit to Office Bearers

- (1) The office bearers are entitled to monthly salaries and other allowances as determined by the University Council;
- (2) Any review of allowances shall not apply to the serving office bearers;
- (3) Any review of allowances must be based on the capacity to pay and sustainability of such payments.



Article 33: SEKUSA REQUESTS

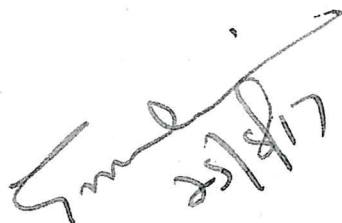
- (1) The signatories to the SEKUSA requests for funds shall be:
 - (a) The Treasurer - Mandatory
 - (b) The Chairman
 - (c) The Secretary-General.

Article 34: Books of Accounts

- (1) SEKUSA shall maintain proper books of accounts that shall be made available for audit.
- (2) SEKUSA accounts shall be audited by the South Eastern Kenya University Internal Auditor four weeks before the AGM.
- (3) The audited accounts and balance sheet shall be published after approval by the Students' Governing Council and not later than seven calendar days before the AGM.

Article 35: Management of SEKUSA funds

- (1) Other regulations governing the management of SEKUSA funds shall be contained in the SEKUSA Financial Policy provided such a policy does not contradict this Constitution, the Universities Act, the University Charter, the University Statutes and the Public Finance Management Act.



CHAPTER SIX

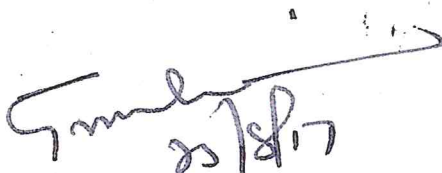
ELECTIONS

Article 36: General Principles

- (1) The electoral system of SEKUSA shall be the right of every member to vote, stand for election, and hold office in a manner that allows for the practical and effective functioning of SEKUSA.
- (2) Elections shall be free, fair, and conducted by secret ballot.
- (3) The Electoral Committee of South Eastern Kenya University shall have the power to formulate rules and regulations for the proper conduct of elections and the implementation of this Chapter.

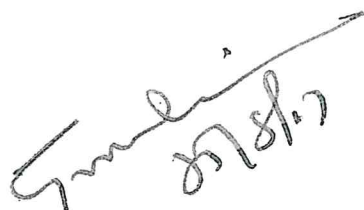
Article 37: Election of SEKUSA Officials

- (1) The election of the South Eastern Kenya University Students' Governing Council shall be done through the Electoral College.
- (2) The South Eastern Kenya Students' Association shall constitute itself into Electoral Colleges through each School/Institute.
- (3) Each of the satellite campuses shall also be constituted as an Electoral College.
- (4) Each Electoral College shall elect three representatives-
 - a) from among persons who are not candidates for SGC and
 - b) of whom not more than two-thirds shall be of the same gender
- (5) The representatives of each Electoral College shall elect the members of the Student Governing Council.
- (6) The Student Governing Council shall stand dissolved on the day designated for the return of nomination papers for the next elections as determined by the Electoral Committee of South Eastern Kenya University.
- (7) The election of SEKUSA officials shall be conducted according to the provisions of this constitution and the Electoral Committee's rules and regulations governing elections.



Article 38: Establishment and Composition of the Electoral Committee of South Eastern Kenya University

- (1) There shall be thirteen members of the Electoral Committee according to the enumeration given below.
- (2) The Deputy Vice-Chancellor (Academic ,Research and Student Affairs), in consultation with the Vice-Chancellor and other members of management staff, shall appoint nine permanent members of the Electoral Committee as follows:
 - (a) The Chairperson, chosen from among the nine permanent members.
 - (b) The Dean of Students who shall be responsible for the administrative and financial matters of the commission;
 - (c) A staff member from the office of the Dean of Students who shall be the secretary to the committee;
 - (d) A staff member from the office of the Registrar, Academic and Student Affairs;
 - (e) The University Head of Security.
 - (f) Four other members at least one of whom should be a representative from the university senate.
- (3) Permanent members of the Electoral Committee shall remain in office between elections.
- (4) In consultation with the Vice-Chancellor and other members of management, the Deputy Vice Chancellor (Academic, Research and Student Affairs) may replace permanent members.
- (5) In consultation with the Vice-Chancellor and other members of management, the Deputy Vice Chancellor (Academic, Research and Student Affairs) shall appoint five other interim members of the Electoral Committee in the 3rd week of the first semester of which at least four shall be students who shall not be contesting any of the offices.

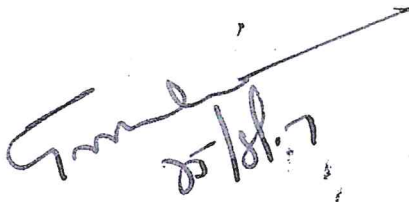


Article 39: Ineligibility for the Electoral Committee

- (1) Members who have served in the Students Governing Council during the academic year of the scheduled elections shall be ineligible for appointment to the Electoral Committee.

Article 40: Authority and Responsibility of the Electoral Committee

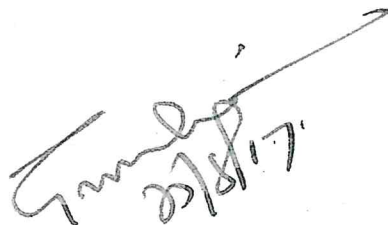
- (1) Subject to the provisions of this constitution, the Electoral Committee shall;
 - (a) conduct and supervise SEKUSA elections,
 - (b) promote free and fair elections,
 - (c) determine the dates for the submission of applications for candidacy and election, supervise the preparation of the voter register, ballot boxes, and the designation and preparation of polling stations,
 - (d) prepare the budget for the elections,
 - (e) with the exception of students, appoint any other appropriate person (s) to assist in the elections,
 - (f) request that the Finance Department officially verify payment of university fees and registration of aspirants,
 - (g) request that the Registrar Academic officially verify the academic qualification of aspirants,
 - (h) verify all nominations for candidates according to the procedures it shall establish in the Election Code, which the commission shall revise as the need arises,
 - (i) prepare and post a list of candidates cleared, or qualified, for election and a list of applicants disqualified for candidacy with the reason (s) for their disqualification,
 - (j) Conduct a one-day seminar for cleared candidates to familiarize them with the South Eastern Kenya University Statutes, regulation's, joining instructions, this constitution, the current *Students Guide: Rules and regulations governing conduct of students in halls of residence* or any subsequent student guides that shall replace it and the electoral code,



- (k) regulate methods of campaigning,
 - (l) provide a voting procedure that is understandable and precise, ensure that the results of the voting are announced by the presiding officer at each polling station.
- (2) The Electoral Committee has the power to warn candidates of disqualification and to disqualify them for violations of the electoral code as established by this constitution and the Electoral Committee.
 - (3) A decision by the Electoral Committee to disqualify an aspirant for candidacy or a candidate for election shall be final and binding.
 - (4) The Electoral Committee shall take any other actions it deems necessary to ensure that the elections are transparent, fair, peaceful, and credible.

Article 41 Election Procedure for the Electoral College Representatives

- (1) In the Sixth week of the first semester, the Electoral Committee shall:
 - (a) Announce the formation of Departmental Electoral Colleges
 - (b) declare three positions open for contest in each electoral college,
 - (c) announce the dates of elections for the college representatives,
 - (d) call for the submission of nomination forms and receive them,
 - (e) receive nomination papers from aspiring Representatives and verify their nominators,
 - (f) prepare and post visibly a list of applicants eligible for the Electoral College.
- (2) In the eight week, the Electoral Committee shall conduct the elections for the Electoral College.
- (3) A candidate shall be declared an Electoral College Representative winner upon acquiring the highest number of votes cast.
- (4) If the first and second winners are of the same gender the third representative will be the best winner of the opposite gender.
- (5) The Chairperson of the Electoral Committee shall announce all the successful



members of the Electoral College and post the same results visibly and at numerous locations throughout the South Eastern Kenya University within twelve hours following the announcement of the results.

- (6) Twelve hours after the results of the Electoral College Representatives are announced the SGC candidates will commence their individual campaigns.
- (7) In the eight week, candidates for SGC election may participate in an official question- and- answer forum with the Electoral College organized and supervised by the Electoral Committee.
- (8) The representatives of each Electoral College shall together elect the members of the Student Governing Council on the eleventh day after the opening of the campaign.

Article 42: Election Procedure for the Students' Governing Council

- (1) In the sixth week of the second semester, the Electoral Committee shall:
 - a. declare all the SGC positions open for contest,
 - b. announce the dates of elections,
 - c. call for the submission of nomination forms and receive them,
 - d. receive nomination papers from aspiring candidates and verify their nominators,
 - e. prepare and post visibly a list of applicants eligible for candidacy.
- (2) In the eight week, candidates shall organize and conduct campaigns among the Electoral College representatives.
- (3) In the eight week, candidates for election may participate in an official question- and- answer forum organized and supervised by the Electoral Committee.
- (4) Elections shall normally be held on the eleventh day after the opening of the campaigns.
- (5) If only one candidate has been nominated for a position, that candidate shall be declared elected unopposed at the end of the nomination period.
- (6) Seventy-two hours after nomination, a candidate may withdraw his/her candidature by submitting a signed statement of withdrawal to the Electoral Committee.



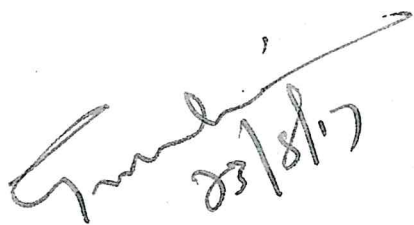
- (7) A candidate may nominate two polling agents who shall witness the voting at each polling station and therefore, only one of the candidates' agents shall be allowed to witness the counting of ballot papers.
- (8) A candidate may be personally present during the counting of ballot papers,
- (9) A candidate shall be declared the winner upon acquiring the highest number of votes cast.
- (10) The Chairperson of the Electoral Committee shall announce all election results and post the same results visibly and at numerous locations throughout the South Eastern Kenya University within twelve hours following the announcement of the results.
- (11) The Vice-Chancellor shall officially communicate the elections to the South Eastern Kenya University community.

Article 43: Spoilt Votes

- (1) A spoilt vote is a ballot that contravenes the ballot instructions.
- (2) During the counting of ballot papers, a spoilt vote shall not be included in a candidate's tally.

Article 44: Election Offenses

- (1) The Electoral Committee shall disqualify a candidate from election for any of the following offenses committed either by the candidate him/herself or systematically carried out by his/her election team:
 - (a) rigging;
 - (b) use of physical force;
 - (c) intimidation and harassment;
 - (d) sorcery and magic;
 - (e) bribery;
 - (f) giving false or malicious information;



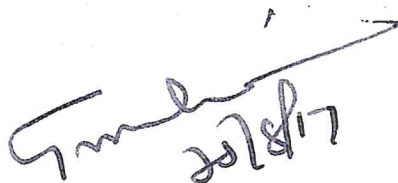
- (g) mounting campaign posters for any candidate outside places designated for such posters;
 - (h) verbal abuse;
 - (i) foul language;
 - (j) slurs based on ethnicity, religion, gender, mode of study (i.e., SSP, JAB, IBP, open learning), or year of study;
 - (k) drunkenness and rowdiness,
 - (l) unauthorized vehicular processions inside and outside of campus;
 - (m) campaigning before the official campaign period;
 - (n) provocative and incendiary attacks on the Statutes, Regulations, and policies of the South Eastern Kenya University ;
 - (o) defamation of any member of the South Eastern Kenya University community;
 - (p) receipt of funding from politicians, political parties and interest groups.
- (2) If the Electoral Committee convicts a winning candidate of a campaign offense, then it shall declare the candidate with the next highest number of votes to be the winner.

Article 45: By-elections

- (1) If a seat becomes vacant, the Students' Governing Council through its appointed representative shall, within seven days of the vacancy, notify the chairman of the Electoral Committee who shall arrange a by-election for the purpose of filling the seat as enshrined by Article 42: (a), (b), (c), (d), and (e).
- (2) The Electoral College Representatives of the immediately conducted SGC elections will vote in the by-election.

Article 46: Return of Election

- (1) If candidates in the election tie in the vote tally, the chairman of the Electoral Committee shall declare a return of the election between the tied candidates and supervise the return five days after the announcement of the tie.
- (2) If the Electoral Committee nullifies an election, the chairman of the Electoral Committee shall declare a return of the election and set a date for the return.

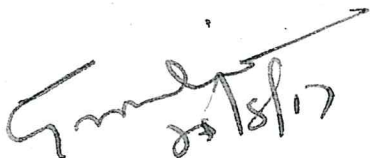


Article 47: Dismissal of Interim Members of the Electoral Committee

- (1) If there is no petition filed against the election results, the chairman of the Electoral Committee shall dismiss the interim members of the Committee and submit the election returns to the Vice-Chancellor.
- (2) If there is a petition against the election results, the Electoral Committee shall await a decision in the matter of the Elections Appeals Committee and, when the Elections Appeal Committee has made its judgment on the petition and informed the Electoral Committee of its decision, then the Chairman of the Electoral Committee shall dismiss the interim members of the committee and submit the election returns to the Vice-Chancellor.

Article 48: Election Petition

- (1) Seven working days before the day set for the election the Deputy Vice-Chancellor (Academic Research and Student Affairs) shall constitute the Elections Appeals' Committee which shall consider of:
 - (a) The Registrar (Academic and Student Affairs) who shall serve as chairperson;
 - (b) One senior member of the academic staff;
 - (c) The South Eastern Kenya University Legal Officer or his/her representative;
 - (d) Two final year SEKUSA members, a female and male, named by the Students' Governing Council and the Deputy Vice Chancellor (Academic, Research and Student Affairs).
- (2) The Elections Appeals Committee shall have the authority and responsibility provided in this constitution and in particular shall:
 - (a) Formulate rules and regulations for the proper conduct of its business and the procedures of election appeals;
 - (b) Within seventy-two hours of the announcement of the election results, receive any written petition against the election results;
 - (c) Receive evidence relevant to a petition;
 - (d) Within twenty-one days of receiving a petition, uphold or nullify the contested vote and forward written notification of its judgment of the Electoral Committee.



- (3) Rulings of the Elections Appeals Committee shall be final and binding.
- (4) If the Election Appeals Committee does not receive any petition against the elections results within the seventy-two hours prescribed for appeals, then the Committee stands dissolved.

Article 49: Transition

- (1) Pursuant to article 37, the Students' Governing Council shall carry out the constitutional duties necessary for the proper functioning of SEKUSA in the period between the return of nomination papers and the inauguration of the new Students' Governing Council.
- (2) During the three days following the Electoral Committee's announcement of the election results, the Dean of Students, shall constitute and meet with the Transition Committee supervising the handing over of the instruments of office by the outgoing members of the Students' Governing Council to the incoming members of the Student Governing Council.
- (3) The Transition Committee shall consist of :
 - (a) The Dean of Students;
 - (b) The Registrar (Academic and Student Affairs);
 - (c) Outgoing members of the Students' Governing Council, whose attendance is mandatory;
 - (d) Incoming members of the Students' Governing Council;
 - (e) The South Eastern Kenya University Chief Security Officer.
- (4) Seven days after the Dean of Students, has constituted and met with the Transition Committee, the Vice-Chancellor shall inaugurate the newly elected members of the Students' Governing Council into office in a public ceremony held within the main campus.
- (5) The order for taking over office shall be as follows:
 - (a) Inauguration;
 - (b) Handling over;
 - (c) Induction.



- (6) During the inauguration ceremony for newly elected members of the Students' Governing Council, the outgoing members of the Students' Governing Council shall officially hand over the instruments of office to their newly elected counterparts.

Handwritten signature
8/8/17

CHAPTER SEVEN

MISCELLANEOUS

Article 50: By-laws and Policies

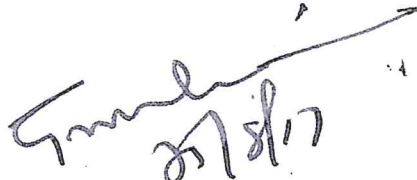
- (1) Subject to this constitution, the Students' Governing Council shall prepare the by-laws and policies governing the functions of SEKUSA.
- (2) Any member of the Students' Governing Council may propose amendments to existing by-law and policies.
- (3) By-laws and policies approved by Students' Governing Council shall be binding on all members of SEKUSA and violators of these by-laws and policies shall be subject to the disciplinary measures provided for in this constitution.

Article 51: Alteration of Laws

- (1) With the approval of the South eastern Kenya University Council, this constitution can be subject to a process of review and revision if three-fourths of the members of the Students' Governing Council vote for such a resolution.
- (2) To amend this constitution, three-fourths of the members of Students' Governing Council must vote for the amendment and the South Eastern Kenya University Academic Board and South Eastern Kenya University Council must approve it.

Article 52: Discipline

- (1) In addition to compliance with the University Statutes, regulations, joining instructions, and the provisions contained in the current *Student guide: Rules and regulations on General Information and Conduct on Campus* or any subsequent student guides that shall replace it, discipline shall, for the purposes of this constitution, also mean compliance with the provisions and spirit of this constitution, by-laws and policies established by the Student Governing Council, and specific directives of the Kenya University administration.
- (2) In consultation with the Dean of Students the Students' Governing Council shall enforce discipline among SEKUSA members in the conduct of SEKUSA's affairs and operations.



Article 53: Board of Trustees

- 1) The Board of Trustees shall consist of;
 - a) The DVC (Academic, Research and Student Affairs)
 - b) The University's finance officer,
 - c) The University's legal officer,
 - d) The Dean, Student Affairs,
 - e) A chaplain or the Imam of the University.
- 2) The Board of Trustees shall;
 - a) Organize and evaluate SEKUSA's assets,
 - b) Pay SEKUSA's creditors,
 - c) Hand over any remaining assets to the South Eastern Kenya University Alumni Association.

Article 54: Interpretation of this Constitution

- (1) With due regard to the laws of the Republic of Kenya and the explicit and implicit powers given in the legal notice establishing the South Eastern Kenya University this Constitution draws its authority from the members of the South Eastern Kenya University Students' Organization.
- (2) This constitution shall be interpreted in a manner that:
 - (a) Promotes the intent of this constitution as stated in the preamble;
 - (b) Enables members to reach the goals and objectives of SEKUSA as stated in Article 03;
 - (c) Encourages the creative and responsible development of students;
 - (d) Avoids technicalities that defeat the purpose of this constitution.

Article 55: Dissolution of SEKUSA

- (1) After a Special General Meeting called to discuss dissolution, SEKUSA can be dissolved through a referendum in which not less than nine-tenths of the members shall vote for dissolution.
- (2) If SEKUSA is dissolved, all assets shall be used to pay SEKUSA's creditors and any remaining assets shall be handed over to the Council of South Eastern Kenya University.

