

THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)

IN EXERCISE of the powers conferred by section 20 (3) of the Universities Act, 2012, the Cabinet Secretary for Education, Science and Technology makes the following Order:—

THE TOM MBOYA UNIVERSITY COLLEGE ORDER, 2016

PART I—PRELIMINARY

1. This Order may be cited as the Tom Mboya University College Order, 2016.

Short Title.

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

Interpretation.

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

“Act” means the Universities Act, 2012;

“Chancellor” means the Chancellor of the Maseno University;

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

“Deputy Principal” means the Deputy Principal appointed under paragraph 9;

“faculty” means a faculty within the University College established under the Statutes;

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

“graduate” means a person upon whom a degree or diploma has been conferred pursuant to paragraph 5;

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

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

“lecturer” means a member of the staff of the University College who is, in terms of appointment, a Professor, an Associate Professor, Senior Lecturer, Lecturer, Assistant Lecturer, or Tutorial Assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University College.

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

“Cabinet Secretary” means the Cabinet Secretary for the time being in charge of higher education;

“Principal Secretary” means the Principal Secretary in the Ministry responsible for Higher Education;

“Principal” means the Principal of the University College appointed by the Council;

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

“Registrar” means the Registrar appointed by the Council of the University College;

“School” means a School of the University College established under the Statutes;

“Senate” means the senate of the University;

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

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

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

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

“University College” means the institution constituted under paragraph 3;

“University” means the Maseno University;

“Vice-Chancellor” means the Vice-Chancellor of the University.

PART II—ESTABLISHMENT, POWERS AND FUNCTIONS OF THE UNIVERSITY COLLEGE

3. (1) There shall be established a university college to be known as the Tom Mboya University College which shall be a constituent college of the Maseno University.

Establishment of the
University College.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may lawfully be done by a body corporate.

(3) The University College shall be the successor to the Agricultural Training Centre (ATC) in Homabay town, Homabay County.

(4) All rights, liabilities and assets by or by anybody on behalf of the Agricultural Training Centre(ATC), existing at the commencement of this Order shall be automatically and fully transferred to the University College.

4. (1) The functions and objects of the University College shall be to—

Functions and
Objects.

- (a) provide, directly or in collaboration with other institutions of higher learning, facilities for university education (including technology, scientific and professional education), integration of teaching, and research and effective application of knowledge and skills to the life and work and welfare of the citizens of Kenya;
- (b) participate in the discovery, transmission preservation and enhancement of knowledge, and stimulate the participation of students in the economic, social, scientific, technological and cultural development of Kenya;
- (c) provide and advance university education and training to appropriately qualified candidates leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the senate shall from time to time determine and in so doing, contribute to the manpower needs;
- (d) conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College;
- (e) examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) contribute to industrial and technological development through innovations and technology transfer;
- (h) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovations, research, consultancy services;

- (i) participate in commercial ventures and other activities for the benefit of the institution, the community and stakeholders;
- (j) contribute to agriculture, industrial and technological development of Kenya in collaboration with industrial and other institutions through the transfer of appropriate technology;
- (k) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsible and the practical arts;
- (l) provide programmes, products and services, in ways that reflect the principles of equity and social justice;
- (m) facilitate student mobility between different programmes at different technical training institution, universities and industry; and
- (n) foster the general welfare of all staff and students.

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

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

Degrees, Diplomas, etc.

(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other

academic qualifications which may, for the time being, be authorized by the statutes of the University College.

6. Subject to this order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes.

Scholarships, Bursaries, etc.

PART III—MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY COLLEGE

7. The members of the University College shall be—

Membership of the University College.

- (a) the Chancellor of the Maseno University;
- (b) the Vice-Chancellor of the Maseno University;

- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the Librarian;
- (h) the Professors of the University College;
- (i) the lecturers of the University College;
- (j) the Finance Officer;
- (k) students of the University College; and
- (l) the Dean of students;
- (m) the Director ICT services;
- (n) the Alumni;
- (o) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. (1) There shall be a Principal of the University College who shall be appointed through a competitive process in accordance with Section 35 (1) (a) (v) of the Act.

The Principal.

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

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

(3) The Principal shall hold office for a term of five years and shall be eligible for reappointment for a further term of five years.

(4) Notwithstanding sub-paragraph (1), the Cabinet Secretary may appoint the first Principal of the University College in an acting capacity for a period of six months on the recommendation of the Council of the Maseno University, after which the appointment process shall be conducted in accordance with sub paragraph (1).

9. (1) There shall be a Deputy Principal of the University College who shall be appointed through a competitive process in accordance with Section 35 (1) (a) (v) of the Act.

The Deputy Principal.

(2) The Deputy Principal shall hold office for a term of five years and shall be eligible for further term of five years.