
THE CONSTITUTION

*Of
Students' Organisation of Maseno University (SOMU)*

Revised Edition 2022 [2021]

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PREAMBLE

We, the students of Maseno University,

Aware that the Students' Organization on Maseno University was created to serve the student community in its pursuit of academic excellence, social welfare, peace and integrity;

Exercising our right to determine the form of governance we deem suitable for our organization;

Determined that the values of transparency, accountability, respect for the rights of students and social justice shall be institutionalized in our organization so as to ensure that democracy is enjoyed by all students;

Convinced that this constitution shall guarantee the continued peaceful co-existence of the organization known as the Students' Organization of Maseno University;

Acknowledging the authority, and determined to abide by the Constitution of Kenya, 2010, Laws of Kenya, Universities Act, 2012, Charter for Maseno University 2012, the Maseno University Statutes 2013 and Students' Rules & Regulations (Students Rule Book).

Recognizing the desire of the students to have a constitution that will govern them;

Do hereby declare, adopt and bind ourselves by this constitution as the Constitution of Students' Organization of Maseno University.

COMRADES POWER!!!!

CHAPTER ONE; NAME AND PURPOSE

1: Declaration

We, the students of Maseno University, hereby declare that there shall be established at Maseno University a Students' Association to be known as "STUDENTS' ORGANIZATION OF MASENO UNIVERSITY", herein after referred to as "SOMU", to act and function in accordance with the provisions of this constitution and within the Universities Act 2012, the Maseno University Statutes 2013, Charter for Maseno University 2013, the relevant Laws and University Policies.

For the purpose of this Constitution, Maseno University shall include all Schools, campuses, and institutions of Maseno University as may be declared from time to time.

2: Registered Head Office of SOMU

The Head Office of SOMU shall be situated at the Main Campus of Maseno University. Branch offices may be created in Campuses and institutions. Office bearers of branch offices shall operate within the confines provided in this Constitution.

3: Interpretations and Abbreviations

In this Constitution, unless the contexts otherwise require-

- a) The "Academic Year" or "Annual Meeting" shall refer to and comply with the Academic Year as per the University Calendar;
- b) "Annual Accounts" shall mean the balance sheets, the statement of income and expenditure and the statement of sources and application of funds;
- c) "Bonafide member" shall mean the duly paid up members of the association and certified as a bonafide student;
- d) "Bonafide student" shall mean a student who has duly registered, paid fees and signed up the nominal roll;
- e) A "Polling Agent" shall mean a registered member appointed by an election candidate to witness the polling exercise
- g) "Returning Officer" shall mean an Election Officer appointed to conduct and supervise election.
- i) "Distinguished Member of the Public" shall mean any member of the Public who enjoys a degree of general respectability in the Society and who is preferably a member of the convocation of the University and shall

include persons in the example of Academicians, Clergy, Businessmen or any other profession or calling construed *efus dem generic*;

j) “Semester”, is as defined in the Students Handbook for Maseno University.

k) “General Assembly” shall mean an Annual General Meetings as in the students’ handbook;

l) “Student” shall mean any person registered as a student in the University or institution affiliated to Maseno University.

m) ‘Aborted Election’ shall mean elections that are not concluded due to disruption or misconduct or irregularities.

n) “The University” shall refer to Maseno University established by Universities Act, 2012 and The Charter for Maseno University 2013.

o) AGM shall refer to Annual General Meeting;

p) SGM shall refer to Special General Meeting;

q) SC shall refer to Student’ Executive Council;

s) Electoral College shall refer to the meaning provided for in the Universities Act

4: Aims and Objectives.

The Aims and Objectives of SOMU shall be:

a) To seek and undertake representation and/or participation in organs of the University and any other relevant forums where appropriate;

b) To work in close solidarity with other Students’ Organizations and to establish friendly relations and understanding with other relevant organizations whose objectives are to promote Students’ Welfare PROVIDED ALWAYS that such cooperation is not detrimental to the University and the country;

c) To seek, enhance and maintain the freedom of conscience, expression, association and academic liberty and all the rights and privileges accruing to students as enshrined in the students’ rules and regulations and University Statutes;

d) To foster peaceful enjoyment of the freedoms, rights, and privileges provided for in the university instruments of governance;

e) To foster unity and understanding among students, between students and the university administration, members of the University staff and the general public;

f) To seek and to maintain acceptable standards within the instruments of governance and to work hand in hand with the University Administration to ensure that the same is achieved;

- g) To promote Students' Welfare and activities.
- h) To promote and preserve high academic standards in the University;
- i) To provide suitable opportunities for a healthy social life through the students' academic research, arts, sports and entertainment;
- j) To provide platforms through which students' can express their views, expression, thoughts and creative talents;
- k) To mobilize resources through any lawful means for the purpose of achieving the objectives of SOMU;
- l) To advance gender equity;
- m) To further the integration of persons with special needs in Maseno University and the society;
- n) To undertake any other activity which does not conflict with this constitution or any other law or regulation in force and which is beneficial to its members;
- o) To make proposals to enhance corporate social responsibility.

CHAPTER TWO: GOVERNANCE

5. Introduction

- 1) The Students' Organization of Maseno University (SOMU) subscribes to the letter and spirit of the Constitution and its operations shall be underpinned by the need for equality, equity, integrity, and ethnic balance, inclusion of persons with disabilities, marginalized groups and gender representations.
- 2) The Students' Organization of Maseno University (SOMU) shall comply with all laws, Government circulars, adopt and apply reforms in the public sector as recommended from time to time.

6. Principles and Values of Governance

In pursuit of the objectives of university education, SOMU shall be guided by the following principles and values-

- a) Promotion of institutional interests in all aspects.
- b) Promotion of excellence in its outputs;
- c) Promotion of quality and relevance in its programs and activities;
- d) Promotion of rights, cultural diversity and unity;
- e) Promotion of systems and practices that embrace inclusivity, efficiency, effectiveness and transparency;
- f) Ensuring ethical conduct of business;
- g) Ensuring integrity in all its undertakings;
- h) Ensuring enhancement of equity in and access to all opportunities within its jurisdiction;
- i) Ensuring institutionalization of non-discriminatory practices.

CHAPTER THREE: MEMBERSHIP

7. General

Member shall be:-

- a) a bonafide students of Maseno University;
- b) pay non-refundable Union fees during the registration period at the beginning of every Semester as part and parcel of the University Registration Process as may be determined by the Organization in consultation with the University Senate and Council from time to time.
- c) such persons or categories of persons or groups as may be nominated by SC from time to time with approval of University Senate.

[Rev. of 5/5/2021.]

8. Cessation of Membership

Membership shall cease where one;

- a) Ceases to be a *Bona fide* student of Maseno University;
- b) Fails to pay subscription fee;
- c) Cease to be a student upon expulsion or discontinuation by the University;
- d) Breaches his or her obligations as stipulated under Article 12.

9. Suspension

- 1) A member shall be suspended at the recommendation of a Special Probe Committee (SPC) as formed by the general assembly for a duration as provided hereunder.
- 2) A suspension shall be recommended on grounds of contravention of this constitution and/or conduct that adversely affects the reputation or dignity of SOMU.
 - a) Provided that a member whose suspension is proposed shall have the right to a fair hearing and that the rules of natural justice shall be upheld at all times;
 - b) A suspension shall not exceed 15 weeks.

10. Corporate Membership

SOMU shall acquire corporate membership with other external organizations as and when approved by the Director Students' Affairs in consultation with the University Administration

CHAPTER FOUR: RIGHTS AND OBLIGATIONS OF MEMBERS

11: Rights of Members

Subject to provisions of this Constitution, unless stated otherwise, members shall the following rights:-

- a) To take part in all activities of SOMU;
- b) To participate in the proceedings of the general meetings;
- c) To elect or be elected to any position of SOMU unless otherwise provided;
- d) To be elected, nominated or appointed to be a delegate or representative of SOMU in any forum where one qualifies;
- e) To attend and express opinions in a proper and appropriate manner in the General Assembly meetings or any other Assembly where SOMU is affiliated or is recognized as a member;
- f) To inspect SOMU books of accounts twenty one calendar days after having delivered a written notice to the Treasurer;
- g) To have access to this Constitution.

12. Obligations

- 1) Every member shall abide by all constitutional decisions made by SC.
- 2) Every member shall respect and nurture the property of SOMU, the University and the public failure of which shall lead to disciplinary measures in accordance with the Students Rules and Regulations and the Laws of Kenya;
- 3) Every member shall honor his or her financial obligations to SOMU.

CHAPTER FIVE: ORGANS OF ADMINISTRATION

13. Organs of Administration

The organs of administration shall be:

- a) The Annual General Meeting hereinafter referred to as the AGM;
- b) The Special General Meeting hereinafter referred to as the SGM;
- c) The Students' Council hereinafter referred to as the SC;

14. Meetings of the AGM and SGM

- 1) An Annual General meeting shall take place at end of every academic year at least 14 days before the start of University examinations.
- 2) The AGM shall-
 - a) Confirm the minutes of the previous meeting as presented by the Secretary General;
 - b) Receive an overall report on SOMU's operations from the outgoing Chairperson;
 - c) Receive audited annual financial report from the outgoing Treasurer;
 - d) Discuss any other business relevant to enhancing the functions and operations of SOMU.
- 3) The Secretary General shall issue notices of meetings accompanied by an agenda thereto at least seven (7) calendar days before the designated date of the meeting and shall be served upon the Director or Dean responsible for Students' affairs and Security Officer and the same be displayed on notice boards.
- 4) The quorum for the commencement of the business for the Annual General Meeting shall be a third of members registered for the study during the semester.
- 5) Resolutions in the meetings shall be by simple majority.
- 6) Voting shall be by show of hands/acclamation as agreed upon.
- 7) Two thirds of the members present and voting may raise a motion to vote by secret ballot.
- 8) In consultation with the Director or Dean responsible for Student Affairs, the Secretary General may as directed by the Students' Council call a Special General Meeting to address urgent issues;
- 9) Subject to provisions of this constitution, a member may petition the Students' Council to convene a Special General Meeting within seven (7) days. Such petition shall be endorsed by not less than five hundred members.
- 10) Failure upon (i) above, the petitioner shall convene a meeting but such a notice shall be served to the Students' Council and Director or Dean responsible for Student affairs;

- 11) The resolutions and decisions of the meeting shall be forwarded to the Director or Dean responsible Student Affairs for onward transmission and consideration by the University Management;
- 12) The quorum for such a meeting shall be 50% plus 1 of the members;
- 13) Vote of two thirds of the members attending the Special General Meeting having confirmed vote of no confidence, then the office of the member subjected to the vote shall by that act of the special General Meeting be declared vacant;
- 14) But if the members attending the Special General Meeting do not confirm vote of no confidence then the vote of no confidence is void and the member subject to the vote of no confidence shall resume the duties of his/her office;
- 15) Notices for holding an Annual General Meeting or a Special General Meeting shall be issued by the Secretary-General or in his/her absence by any other member of the Students' Council authorized by the Students' Council when it decides to hold an Annual General Meeting;

15: *Deleted by Rev. of 5/5/2021*

[Rev. of 5/5/2021]

CHAPTER SIX: THE STUDENTS' COUNCIL (SC)

16. Establishment of the Students' Council

- 1) There shall be the Students' Council of SOMU;
- 2) Subject to the provisions of this Constitution and the Universities' Act, 2016, the Students' Council shall be responsible for the day to day management of SOMU;
- 3) The office of the Students' Council shall be located at the main campus of Maseno University;
- 4) Ordinarily, meetings of the Students' Council shall be held at the Main campus of the University.
- 5) The recommended dissolution of any office (s) at the AGM or SGM where need arise shall be by two thirds majority votes.

17. Composition of the Students' Council

- 1) There shall be a Students' Council as provided for under the Universities Act, 2012 and shall consist of the following members;-
 - a) a Chairperson
 - b) a Vice -Chairperson who shall be of opposite gender with the Chairperson
 - c) a Treasurer
 - d) a Secretary-General who shall be secretary to Council; and
 - f) Three other members representing special interests of students and shall include;
 - i) representative of campuses and learning centers (except main campus)
 - ii) representative of persons with special needs (PWD, gender, minorities and cultural heritage) which shall be reserved for person living with disability (PWD) duly registered with the department of disability
 - iii) representative of Games, sports & entertainment
- 2) Provided that membership in (1) above shall-
 - a) reflect national diversity; and
 - b) have not more than two-thirds of its members being of the same gender
- 3) A member of Students' Council shall hold office for a term of one academic year and may be eligible for re-election for one final term.
- 4) A person who has held office as a member of the students' council for two terms in any University or Constituent college in Kenya shall not be eligible for election as a member of the students' council

[Rev. of 27/10/2021]

18. Qualifications for Election to the Students' Council

1) Eligible candidates for elective posts in the Students' Council shall:-

- a) Be a *bona fide* Student of Maseno University;
- b) Have, based on the available grades in the member's certified provisional transcripts, an average grade of "B" (as per students rule book) in the program being undertaken. The average shall be based on the best 14 units per academic year;
- c) have cleared payments of ALL University fee that are due at that time as confirmed by the Finance Officer;
- d) Have completed at least two semesters with a full load of academic study totaling to at least fourteen units;
- e) be physically available for the entire term; and
- f) not have been convicted of any disciplinary offence by the Students' Disciplinary Committee or the Kenyan Court or have a pending disciplinary case before Students' Disciplinary Committee.

2) *Deleted by Rev. of 5/5/2021*

[Rev. of 5/5/2021.] [Rev. of 27/10/2022]

19. Disqualifications for Election to the Students' Council

1) A member is disqualified for election to the SC if at the time for election if he/she-

- a) Has ever been suspended from the University;
- b) Is a representative/delegate of an Electoral College;
- c) Has previously been removed from office for violation of this Constitution;
- d) Has been convicted of a criminal offense by a court of law in the Republic of Kenya or any other Republic;
- e) Any student who will not be physically available to serve for the entire term shall not contest for any position.
- f) Has held office for two terms in any university or university college in the country.

2) For purposes of continuity and transition in the Students' Council, a student in his or her final year shall not be eligible for election.

[Rev. of 5/5/2021.]

20. Executive Authority

1) The Executive authority of SOMU shall be exercised for the benefit of its members according to this Constitution, the Laws of the Republic of Kenya, the Universities Act 2012, Maseno University Charter 2013 and the Maseno University Statutes and the University Policies.

- 2) Executive authority in SOMU is vested in the SC and may be exercised either directly or indirectly by it;
- 3). All Students' Council members shall conduct themselves in accordance with the highest standards of integrity, personal discipline and honour and in particular shall;
 - a) Respect the rights and privileges of the members of the organization at all times.
 - b) Refrain from any conduct that might bring the University into disrepute or public odium.
 - c) Carry themselves in all public places with such dignity as befits their status as student leaders.

21. Functions and Responsibilities of the Students' Council

The function and responsibilities of SC shall be as outlined in section 41(2) of the Universities Act, 2012 and in addition shall:-

- a) Be responsible for the control of administration and finances of SOMU;
- b) Following due consultation with other members of SC, make emergency decisions that are in the interest of SOMU;
- d) Handle, manage or deal with any matter(s) directly affecting or incidental to the governance of SOMU or all that is envisaged appurtenant thereto;
- e) The SC shall appoint members to Council Committees;
- f) The SC may with good reason appoint an *ad hoc* Committee for any specific task: the committee shall stand dissolved upon the completion of the specific task;
- g) Oversee all SOMU activities.
- h) Meet as often as need be but not less than five (5) times during an Academic Semester.

[Rev. of 5/5/2021.]

22. Duties and Responsibilities of Students' Council members

1) Chairperson

The Chairperson shall:

- a) Be the Chairperson of SOMU and shall preside over all its general meetings;
- b) Be responsible for the overall administration of the SC;
- c) Be the head of the SC
- d) Have the following emergency powers:
 - i) To call an emergency meeting of the SC

- ii) Following due consultation with other available members of the Students' Council, make emergency decisions in the best interest of SOMU and which are reported and deliberated;
- e) Articulate the policies of SOMU in consultation with the legal office and provide exemplary leadership;
- f) Without prejudice to any other express provision of this constitution; proceed with due diligence and speed to deal with any matter(s) directly affecting or incidental to the governance of SOMU and perform all duties and responsibilities which in the ordinary course of dealing are bestowed on such Chairperson;
- g) With the consent of the SC, and the University management, represent SOMU at national and international levels on issues relevant to SOMU's interests;
- h) Provided that the Chairperson is acting pursuant to the emergency powers as per (e) above, he/she shall do so with the full knowledge that an abuse of such powers invites operation of Article 21;
- i) Represent the SOMU member in the University Senate, and the Students' Disciplinary Committee unless otherwise stated;
- j) Subject to provisions of this Constitution and with the approval of the Students' Executive Council, delegate or assign duties to any other member of the Students' Executive Council;
- k) Be the spokesperson of SOMU on the advice of the students' council
- m) In consultation with students' council, appoint the SOMU editor whose qualification shall apply mutatis mutandis to that of Students' Council
- n) Facilitate the existence of cordial relationship between the University Administration, Students' council, SOMU members and the University community at large
- o) Perform any other duty or duties as the SC may assign.
- p) Be responsible for spearheading and coordination of Academic activities and issues facing the students
- q) Be in-charge and responsible for the coordination of Students' Security related matters.

[Rev. of 27/10/2022]

2) Vice-Chairperson

The Vice-Chairperson shall-

- a) Deputize the Chairperson
- b) In the Chairpersons' absence assume and act on the authority and responsibility of the Chairperson with the exception of Article 22(d) and (j);
- c) Perform duties delegated to him by the Chairperson, which duties shall be the ones he/she can constitutionally perform;
- d) An automatic member of the committee related to Students' Welfare and finance;

- e) Co-ordinate Students' Welfare Services such as transport and benevolence in liaison with the relevant authorities;
- f) Be in charge and responsible for the coordination of students' accommodation matters
- g) Perform any other duty or duties as the SEC may assign;
- h) Be a member of the student welfare committee.

4) Treasurer

The Treasurer shall:

- a) Be in charge of management of finances of SOMU;
- b) Be a co-signatory to all SOMU bank cheques and other negotiable instruments;
- c) Be the Chairperson of the Finance Committee;
- d) In consultation with other members of the SEC raise funds for SOMU;
- e) Keep, in a businesslike manner, true accurate and timely records of the proceedings of every financial transactions of SOMU;
- f) Draw the annual budget in conjunction with the SEC and Finance Committee of SOMU for tabling to management;
- g) Ensure that every payment and expenditure is duly authorized;
- h) Prepare the annual accounts of SOMU and liaise with the Auditor during the period of audit;
- i) Table the audited accounts to AGM;
- j) Prepare any other financial report that the SEC may from time to time demand;
- k) Ensure that sufficient internal controls exist to protect the assets of SOMU;
- l) Be in charge and responsible for the coordination of matters related to Health and Catering services
- m) Perform any other duty or duties as the SC may assign.

3) Secretary General

The Secretary General shall:

- a) Be the Secretary of SOMU;
- b) Be the Secretary of the SC;
- c) Without prejudice to Article 21, in consultation with the Chairperson, call meetings of the SC;

- d) Be the custodian of all SOMU records including files, registers and minutes;
- e) In consultation with The President and the SC in general draw the Agenda for SOMU meetings;
- f) Be a representative of SOMU in the University Senate and The Students Disciplinary Committee;
- g) Will act as a spokesperson and communicate the SC's decisions to the Directorate of Student Affairs.
- h) Will issue notices of meeting of the AGM and SGM;
- i) With the authorization of the Deputy Vice-Chancellor, Academic and Student Affairs and the Vice Chancellor through Director, Student Affairs, and the Secretary-General may make public statements to the media and Institutions outside the University;
- j) Maintain an accurate register of members and have custody of all copies and make it available for purposes of elections, dissolution, vote of no confidence and any other purposes
- k) Represent the students' council in both University Senate and Students' Disciplinary Committee unless otherwise stated
- m) be responsible and coordinate all matters related to publications
- n) Perform any other duty or duties as the SEC may assign.

5) Member of Council (Campuses and learning Centres Representative)

The Campuses representative shall;-

- a) Be responsible and coordinate all matters affecting members of the campuses.
- b) Maintain updated records of discussions with members of the campus.
- c) Represent members of the campuses and, in particular, keep the Students' Council informed of matters related to SOMU members activities at Campuses;
- d) Work with other members of the Students' Council in coordinating and organizing SOMU activities in campus;
- e) Collaborate with the respective Authority of the respective campuses in organizing SOMU activities, preparing budget proposals, and managing budget's expenditure.
- f) In consultation with the Secretary-General, communicate with members and the Administration of his/her respective campus;
- g) Collaborate with the treasure in managing SOMU finances and fixed assets in the respective campus.
- h) Be coordinate all matters pertaining and related to Environment affecting all the SOMU members

i) Perform any other duty or duties as the SC may assign.

6) Member of Council for Special needs (PWD, gender, cultural heritage and minorities)

The members representative for special needs (PWD, gender and minorities) shall;-

- a) Sensitize and advocate for the needs of students with disabilities
- b) Identify and maintain records of students with disabilities and the minorities
- c) Recommend to SC necessary arrangements available for conducive operations and issues related to disabilities.
- d) Spearhead gender parity in socio-economic and address gender based violence ;
- e) Coordinate all cultural dynamism among students' composition;
- f) Organize and coordinate cultural events in consultation with member in charge of entertainment
- g) Promote and safeguard rights of all cultures.
- h) perform duty or duties as delegated to him/her by the SC;

7) Member of Council (Sports, games and entertainment)

Subject to the provision of this constitution, unless otherwise stated, duties of the member shall be;-

- a) Organize and co-ordinate all recreational activities.
- b) Make arrangements to pay for the entertainment rendered in collaboration with the relevant authorities.
- c) Work in close liaison with the University Games Officers in identifying provision and maintenance of sports facilities.
- d) Organize and coordinates friendly games with other institutions in consultation with Captains and Games Officers.
- e) Ensure safety of games and sports equipment.
- f) Draw up comprehensive sports programme in liaison with respective captains and present to SC for approval.
- g) Ensure the welfare of the students participating in sports and other entertainment and recreational activities.
- h) Perform such other duties as the Students Council, may assign

[Rev. of 5/5/2021.]

23. Removal from Office

- 1) A members of Students' Council shall be removed from office on the following grounds
 - a)Gross misconduct
 - b)Incapacitation
 - c)Misappropriation of funds.
 - d)Any other reason that would render the person unsuitable to be in office
- 2) In the event of committing one or more of the above, a member of Students' Council shall be removed from office by a vote of no confidence as initiated by a resolution adopted and signed by;
 - a) Two thirds of Students' Council members; or
 - b) A signed petition of fifty plus one percent of SOMU members
- 3) Any of the affected member, shall have the right to defend himself against such allegations by submitting a written defense to the Dean of Students within two days of being served with the removal resolution.
- 4) The Director or Dean responsible for students' affairs shall carry out appropriate investigations to establish if the allegations are valid.
- 5) If the allegations are found to be invalid, the affected member is absolved from the accusations.
- 6) If the allegations are valid, the member shall instantaneously vacate office
- 7) Upon the context where the concerned parties do not agree with the verdict under (6) above, the matter shall be referred to the SOMU members for a referendum as in (a) below.
 - a) The Returning Officer in consultation with the Director or the Dean responsible for students' affairs shall within seven (7) days convene a referendum in which only ordinary members of SOMU shall be entitled to vote.
 - b) The member shall be deemed to be finally removed from office upon obtaining fifty plus one percent (50% plus 1) or more of the total votes cast in the referendum in favour of his removal upon which the duties and responsibilities of the said member shall be assigned/ allocated to another member for the remaining period.

[Rev. of 5/5/2021.] [Rev. of 27/10/2022]

24. Resignation

- 1) A member wishing to resign from the Students' Council shall tender a resignation by a notice giving reasons to the Vice-Chancellor.
- 2) The Vice-Chancellor shall have power to accept or reject any resignation from a member and recommend decision to the Director or Dean responsible for students' affairs for implementation.

- 3) On acceptance of a resignation, the duties shall be assigned or allocated to another Council member.
[Rev. of 5/5/2021.] [Rev. 27/10/2022]

25. Students' Council Committees

- 1) The students' Council shall have the following Committees to assist in day to day management of its activities -
 - a) Executive and Students' welfare Committee
 - b) Academic and Finance Committee
 - c) Sports and entertainment Committee
 - d) Gender and other related special needs Committee
 - e) Any other committee as shall be deemed necessary
- 2) The membership and terms of reference of these Committees shall be agreed on and formulated by the Students' Council
- 3) Unless otherwise specified in this Constitution, Students' Council shall nominate the chairperson of each committee.
- 4) Students' Council shall vary the number of Committees as it may deem necessary and where need arises shall form *ad hoc* committees.

26. The Editorial Board

- 1) The Students' Council shall establish, on behalf of SOMU, a Students' Newsletter.
- 2) The editor of the Newsletter shall be appointed by the Chairperson on recommendation of SC.
- 3) The Editorial Board of the Students' Newsletter shall consist of;
 - a) Secretary General
 - b) Member students' council in charge of special needs.
 - c) One other member of the Students' Council appointed by Students Council
 - d) Not more than three ordinary members outside Students Council nominated by the Secretary General and appointed by the Students Council.
- 4) The Editorial Board shall liaise with the Students Council in approving the articles and photographs to be used in the newsletter.
- 5) The Editorial Board shall be responsible for the standard of articles and photographs published in the newsletter which must meet the threshold of both academic and community living in the University.
- 6) The Students Council shall be responsible for the financial control of the Editorial Board, but all the Editorial policies shall be the Board's responsibility.

[Rev. of 27/10/2022]

CHAPTER SEVEN: FINANCE AND EXPENDITURE

27. Revenue

The funds of SOMU shall be derived from-

- a) SOMU Membership and subscription fees as provided for in this Constitution;
- b) Revenue earned from income generating activities;
- c) Fundraising and donations;

28. Collection of Revenue

- 1) SOMU funds to be managed under the Finance division of the University in accordance with University financial procedures.
- 2) Membership fee shall be paid during admission and subscription shall be renewed every Academic year as may be determined from time to time.
- 3) The fund shall be paid to the specific University accounts provided.

29. Expenditure

- 1) All funds received for purposes of SOMU must be spent for the benefit of SOMU according to the recommendations of congress and the approval of the University's Management;
- 2) As need arises the Chairperson and the Treasurer will make requests through the Director Students' Affairs for expenditures according to the schedule and expenditures determined at the beginning of the semester as per approved budgets;
- 3) The Deputy Vice-Chancellor in charge of finance shall make approvals in accordance with University procedures on over expenditure and verment of funds.
- 4) Claims shall be made in accordance with financial procedures of the University.
- 5) All procurements of goods and services for SOMU shall be done according to the University's procurement procedures;
- 6) The revenue from income generating activities to be collected by treasurer and directly remitted to the account

30. Execution of the SOMU Account

- 1) Execution of the SOMU account shall be in accordance with financial policies of the University.
- 2) The Signatories of the SOMU account shall be;
 - a) The Treasurer;
 - b) The Chairperson;

c) The Director Students' Affairs or the Deputy;

3) At any one time a student representative must be present

31. Custody of Assets

The custody of the assets of SOMU shall be vested in the Treasurer.

32. Financial Year

The financial year of SOMU shall be an Academic Year.

33. Annual Accounts

The Treasurer shall prepare annual accounts and table them at the AGM after they have been audited and such accounts shall be signed by the Chairperson and Treasurer, and in the absence of the Treasurer any other member of the Finance Committee.

34. Audit

1) The accounts of SOMU shall be audited by a person qualified to audit accounts under the dictates of the Accountants Act (Cap 531). To facilitate the audit, the auditor shall at all times have access to books and records of SOMU and shall be entitled to receive all the information and explanations that he/she may consider necessary for the purpose of the audit.

2) The Vice-Chancellor may appoint the Auditor

35. Procurement

1) The procurement shall be done according to the Procurement Act and University procurement procedures and processes.

2) The Chairperson shall be responsible for preparation and submission of all annual procurement plans to SC for approval.

3) The Chairperson shall be responsible for procurement implementation under the Director, Student Affairs, who shall receive quarterly reports on implementation plans.

36. Affiliations

1) Eligibility

Any registered students organization/association or movement in the University may be affiliated to SOMU upon its application for affiliation to the SC having been approved by the SC not less than fourteen (14) days after the reception of any such application provided that:

a) All its members are members of SOMU and provided further that the SC shall consider each case on its own merit without prejudice to the foregoing section;

b) Racial, tribal, or age identity does not limit its membership;

c) Its constitution is not repugnant to the aims and aspirations of SOMU and the Kenyan Constitution;

d) It has not less than fifteen (15) members;

2) Welfare associations shall be registered but shall not be eligible for funding.

a) The associations shall not be tribal.

3) Annual subscription.

All organizations after having so affiliated shall remit to SOMU Treasurer an annual subscription of Ksh 2000/= (Two Thousand Shillings Only) or as may be determined from time to time by the SC.

4) The affiliated societies may be eligible for financial aid on application to the Secretary-General and on the approval of the SC and depending on the financial status of SOMU.

[Rev. 27/10/2022]

CHAPTER EIGHT: ELECTIONS AND BY-ELECTIONS

37. General Principles

1) The Electoral system of SOMU shall be based on the right of every member to vote by standing for election and holding office in a manner that allows for the practical and effective functioning of SOMU;

2) Elections shall be free, fair and conducted by secret ballot;

3) The Student Council shall be elected by delegates drawn from an electoral colleges;

4) For purposes of conducting elections;

a) All SOMU members shall be constituted into electoral colleges based on academic departments which in this Constitution shall be academic programmes as determined from time to time;

b) Programmes with less than 100 students shall be merged with others within the respective school to form an electoral college

c) Notwithstanding the provision of (a) above, all diploma and certificate programmes shall be treated as an Electoral College each respectively.

5) The students/members from each electoral college constituted under (4) above, shall elect three delegates;

a) From among candidates who are not contestants for the position of the students' council

b) Of who not more than two-thirds shall be of the same gender,

c) Have no disciplinary case; and

d) Be in session.

6) In the event that the three elected delegates are of the same gender, the next best candidate of opposite gender shall take the place of the third placed person – unless the department has students of one gender. In case of a tie, the electoral official shall cause a run-off.

[Rev. of 27/10/2022]

- 7) A candidate running for the position of Chairperson shall pick a running mate of opposite gender and the two shall be elected as one ticket. In the event the running mate is disqualified, then replacement shall be required within a period not exceeding two (2) days from the date of such communication.
- 9) The delegates of each Electoral College shall elect members of the Students' Council within five (5) days from the date of their election.
- 9A) Delegate(s) who may interfere with election process shall be subjected to disciplinary processes and in any event the election calendar shall be extended for purposes of replacing affected delegate (s).
- 10) The Independent Electoral Commission of SOMU shall have the power to formulate rules and regulations for the proper conduct of elections

[Rev. of 5/5/2021.] [Rev. of 27/10/2022]

38. Elections of SOMU Officials

The election of SOMU officials shall be conducted in accordance with provisions of this Constitution and Independent Electoral Commission's rules and regulations.

39. Independent Electoral Commission of SOMU (IECS)

- 1) There shall be established an Independent Electoral Commission of SOMU whose membership shall consist of substantive Members and interim members as follows;-
 - a) The Returning Officer (who shall be the Chairperson) and deputy (ies) appointed by the Vice-Chancellor;
 - b) The Deputy Director or the Dean responsible for students' affairs who shall be responsible for the secretariat matters of the commission;
 - d) Four final year students comprising of two nominees from students' religious associations and two nominees from Students' Council of whom shall;-
 - i) Not be more than two-thirds be of the same gender
 - ii) Not previously served in the students' Council
 - iii) be of good standing.
 - e) The Students' nominees shall be selected through advertisement and vetting conducted by the Students' Council
 - f) Provided that such student nominees to the Electoral Commission who contravenes the code of conduct shall be subjected to disciplinary action.
- 2) The outgoing SC shall, in consultation with Director Students Affairs, nominate four names for the position of the Returning Officer and his/her Deputy and forward them to The Vice -Chancellor who shall appoint suitable candidates for a term of three academic years Non – renewable.
 - a) The nominees shall be Senior Academic/Administrative members of staff
- 3) In the event that there is no outgoing SC the Deputy Vice Chancellor Academic and Students' Affairs in consultation with the Vice Chancellor shall constitute and appoint a Returning Officer and deputy as the caretaker.

[Rev. of 5/5/2021.] [Rev. of 27/10/2022]

40. Authority and Responsibility of the Independent Electoral Commission

- 1) Subject to the provisions of this Constitution, the Independent Electoral Commission shall -
 - a) Conduct and supervise SOMU elections;
 - b) Promote free and fair elections;
 - c) Determine the dates for submission of applicants for candidacy and election;
 - d) Cause the preparation of the voter register, ballot papers, ballot boxes and the designation of polling stations;
 - e) Prepare the budget for elections within the budgetary allocation approved by the University Management;
 - f) With the exception of students, appoint any other appropriate person(s) to assist in the election;
- 2) The Electoral Commission shall publish the list of successfully nominated candidates and the disqualified candidates, and shall post such notices of disqualification together with such reasons visibly and numerously in the University.
- 3) The Electoral Commission shall ensure that qualified candidates represent the face of Kenya (regional and ethnic diversity of the people of Kenya, gender, people with disabilities and special interest groups) in line with the constitution of Kenya 2010.
- 4) The Electoral Commission shall ensure that the voting procedure is simple and precise.
- 5) The presiding officers at all polling stations shall announce the results.
- 6) The overall election results will be announced by the Returning Officer;
- 7) The Electoral Commission shall regulate methods of campaigning and has the power to warn candidates and to disqualify them for violations of the electoral code as established by this Constitution and the Commission;
 - a) A decision by the electoral commission to disqualify an aspirant for candidacy or a candidate for election shall be binding unless challenged at the Election Petition Appeal;
- 8) The Electoral Commission shall take any other actions it deems necessary to ensure that elections are transparent, fair, peaceful and credible.
- 9) For purposes of clearance of candidates, a verification panel with members of staff drawn from relevant sections shall verify the authenticity of the approvals on the documents submitted by the candidates to Electoral Commission.

[Rev. of 5/5/2021.]

41. Election Procedure

- 1) The Independent Electoral Commission through the office of the Director Students' Affairs shall –
 - a) Announce the dates for elections, which shall be not later than the sixth week of the new academic year.
 - b) Declare all positions open for contest after the start of the new academic year;
 - c) Announce the dates for elections;
 - d) Call for the submission of nomination papers and receive them;
 - e) Receive nomination papers from aspiring candidates and verify their nominators;
 - f) Prepare and post visibly and at numerous locations a list of candidates eligible for election and a list of applicants' ineligible for candidacy;
 - g) In consultation with Returning Officer and the Director/Dean responsible for student affairs prepare and display the register of voters (with respect to election of delegate and election of Student Council) for inspection a week before the election date
 - h) Determine the number and location of voting centers with appropriate number of voters.
 - i) The Students' Electoral Commission shall declare not more than 10 days, for campaigns
- 2) Candidates for election to the SC may participate in question and answer forum organized and supervised by the Electoral Commission;
- 3) If only one candidate has been nominated for a position, that candidate shall be declared elected unopposed;
- 4) Seventy two hours after nomination, a candidate may withdraw his or her candidature by submitting a signed statement of withdrawal to the Independent Electoral Commission;
- 5) A candidate may nominate two polling agents who shall witness the polling at each polling station and thereafter will be allowed to witness the transport and counting of the ballot papers;
- 6) A candidate may be personally present during the counting of ballot papers and he/she shall not be barred from witnessing the counting of ballot papers;
- 7) Counting of ballot papers will be done at each polling station and results announced by presiding officers;
- 8) A candidate shall be declared the winner upon acquiring the highest number of votes cast;
- 9) The Chairperson of the electoral commission shall announce the election results and post the same results visibly and at numerous locations throughout the University within twelve hours following the official announcement of the results;
- 10) The Vice Chancellor shall officially communicate the results of the elections to the University community.

42. Spoilt Votes

- 1) For purposes of this section a spoilt vote shall mean that which is obliterated or damaged or ambiguous or illegible and it can't be deciphered which candidate for whom it was cast during the counting of ballot papers. ;
- 2) During the counting of ballot papers, a spoilt vote shall not be included in a candidate's tally.

43. Election Offenses

- 1) The Independent Electoral Commission shall disqualify a candidate from election for any of the following offenses committed by the candidate him/herself or systematically carried out by his/her election team:
 - a) Rigging or attempting to rig;
 - b) Use of physical force;
 - c) Intimidation and harassment;
 - d) Sorcery and magic;
 - e) Bribery;
 - f) Giving false and 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;
 - k) Drunkenness and rowdiness;
 - m) Unauthorized vehicular processions inside and outside campus;
 - n) Campaigns before the official campaign period;
 - o) Provocative and incendiary attacks on the Statutes, Regulations and Policies of the University;
 - p) Defamation of character to any member of the University community;
 - q) Receipt of funding from political parties, interest groups and persons; and
 - r) Hate speech
- 2) If the Independent Electoral Commission convicts a winning candidate of a campaign offense, then it shall declare the seat vacant and call for a by- election, as per article 44.

44. By-elections

- 1) Shall be held whenever an office or seat fails vacant for the reason of; resignation, death, incapacitation confirmed by the University Medical Officer or removal from office for any other good cause;
- 2) Shall take place within twenty one (21) days of the office or seat falling vacant and shall follow the same procedure as provided for in Article 41;
- 3) Students elected in a by election shall only serve for the remaining term prior to the next election.
- 4) Notwithstanding (1) and (2) above, in the event the seat falls vacant for one reason or the other, requisite budget for conducting by-election shall be in the first instant and if the same found inadequate then the students' Council shall assign/allocate the duties and responsibilities of the said office/member to another council member for the remainder of the term.

[Rev. of 27/10/2022]

45. Re-run of Elections

- 1) If candidates in an election tie in the vote tally, the Chairperson of the Independent Electoral Commission shall declare a re-run of the election between the two leading candidates and supervise the re-run within two days after the announcement of the tie;
- 2) Where elections are nullified due to non-compliance; the Chairperson of the Independent Electoral Commission shall declare a re-run of the election and set a date for within five days.

46. Dissolution of Independent Electoral Commission

- 1) If there is no petition filed against the Election results, the Chairperson of the Independent Electoral Commission shall dismiss the interim members of the commission and submit the election returns to the Vice -Chancellor;
- 2) in the event of a petition against the election results, the Electoral Commission shall await a decision in the matter by the Election Petition Panel and when the Elections Petition Panel has made its judgment on the petition and informed the electoral commission of its decision, then the Chairman of the Independent Electoral Commission shall dismiss the interim members of the commission and submit the election returns to the Vice- Chancellor.

47. Failed Elections

If the election process is not concluded, or is disrupted, Electoral Commission shall cancel the elections, and organize for repeat elections within 21 days after the cancellation as per the following;

- a) If the entire election is cancelled, the Director, SA, in consultation with DVC, ASA, will nominate, from among the students' body, five (5) individuals to run the affairs of SOMU, until a new office is elected and sworn in.
- b) The caretaker committee members shall however, not be eligible to vie in the by-elections.

48. Election Petition Panel

- 1) The panel chairman shall be appointed within fifteen (15) days before the date of the elections (polling day) together with other three members;
- 2) The members of the panel shall consist of –

- a) The Chairman appointed by the Vice-Chancellor on recommendation of the Deputy Vice-Chancellor in charge of Academic
 - b) One member of academic/administrative staff nominated by the Director students' affairs
 - c) Two students' representative nominated by the Students' Council whom shall be of the opposite gender
 - d) University Legal Officer or his/her representative.
- 2) The student's representatives to the panel shall be nominated by the outgoing SC officials and shall be of good standing and must have not served previously in the Students' Council;
 - 3) The petition must be lodged within three (3) days after the elections and must be signed by at least sixty five (65) members of delegates or Fifty percent plus one (50%+1) ordinary SOMU members
 - 4) The Chairman of the panel shall notify SOMU members or constituency members of the lodged petition within forty - eight (48) hours of such lodging through the Directorate of Students' Affairs;
 - 5) The panel shall sit to make a ruling on each petition within four (4) days of its lodging;
 - 6) The petitioner or the respondent shall not be allowed to have a legal representation when prosecuting/defending his case;
 - 7) The hearing of the petition shall be inter parties, save when a party fails to attend without any reasonable excuse in which case an *ex parte* judgment will be entered.
 - 8) The Panel shall also hear and determine appeals of candidates aggrieved with the decision of Electoral Commission on disqualification of their candidature. Such appeals must be lodged within two (2) days from decision and thereafter heard within two (2) days from the date of receipt;

49. Inauguration, Taking/Handing over and Induction

- 1) Within seven (7) days following the electoral commissions' announcement of the election results, there shall be a swearing in ceremony;
- 2) The same day, the Director Students' Affairs shall supervise the handing over of the instruments of office by the outgoing members of SEC to the incoming members of SEC;
- 3) During the handing over ceremony, the following persons shall be present;
 - a) The Deputy Vice-Chancellor, Academic and Student Affairs;
 - b) University Legal Officer or Representative;
 - c) Members of the Electoral Commission;
 - d) Outgoing members of SC, whose attendance is mandatory;
 - e) Incoming members of SC
- 4) The elected members of the SC shall be sworn in, in their order by the University Legal Officer or a

lawyer or an appointee of the Legal Officer in conjunction with the Deputy Director, Student Affairs and the Director Students Affairs. The ceremony shall take place within the University and in public;

- 5) The Citation of Pledge of Commitment shall be recited and signed by every elected member as prescribed in Third Schedule of this Constitution.
- 6) The Deputy Vice-Chancellor, Academic and Student Affairs, shall inaugurate the newly elected members of SEC into office;
- 7) The order of taking office shall be-
 - a) Inauguration
 - b) Handing over
 - c) Induction which shall be attended by both members of out-going and in-coming Students' Council
- 8) The induction workshop shall be organized by the out-going Students' Council and shall be attended by a number not exceeding fifty (50) participants comprising but not limited to;
 - a) Seven (7) members of out-going Students' Council;
 - b) Seven (7) members of in-coming Students' Council;
 - c) Two (2) students for secretarial duties;
 - d) Four (4) members of Electoral Commission;
 - e) Two (2) members of Appeals Panel;
 - f) Two (2) Postgraduate Students.
- 9) The Directorate of Student Affairs shall develop selection criteria to nominate SOMU members attending induction workshop.

[Rev. of 5/5/2021]

CHAPTER NINE: AMENDMENT AND REVIEW

50. Authority

- 1) With the approval of the University's Senate this constitution can be subject to a process of amendment and/ or review. Such a review shall be subjected to a referendum;
- 2) Notwithstanding (1) above, Any article in this constitution affected by y Government legislation or circulars shall stand amended or reviewed in accordance with the respective legislation without reference to a referendum.

50A. Review

This constitution shall be reviewed from time to time as need arises.

51. Resolutions

- 1) Once the vote of each succeeding amendment has been taken, the surviving proposition shall put to the vote the main question, and if carried, shall become a resolution of the general meeting. This shall apply to both motions of review and amendment;
- 2) Amendments that shall have been debated on and voted for shall have the full force of law if two-thirds (2/3) of all Bonafide members of SOMU in session have voted for it;
- 3) If it has been read to all members present by the Chairperson and members present have confirmed by way of "YES" that it is the amended motion for which they voted;
- 4) If it has been submitted to and approved by the University Senate and a written endorsement of the amendment has been received from the Vice Chancellor through the Director Student Affairs;
- 5) The SC shall come up with rules of procedure and review committee of experts.

CHAPTER NINE: MISCELLANEOUS

52. Rules and Regulations

- 1) Subject to this Constitution, Students' Council shall have the power to enact other By-laws, rules and regulations for implementing this Constitution.
- 2) Such rules shall be consistent with this Constitution
- 3) Further to the rules and regulations so enacted shall be ratified by the general assembly and approved by University Senate

53. Transitional Provisions

- 1) The SC shall carry out constitutional duties necessary for the proper functioning of SOMU in the period between dissolution and the inauguration of the new SC;
- 2) This Constitution shall come into effect once it has been adopted by senate and approved by Council.
- 3) Upon enactment of this Constitution, it supersedes all previous SOMU constitutions, rendering them invalid.
- 4) Where under this Constitution, the Students' Council is required to make rules and/or regulations, the existing rules and/or regulations shall apply until such a time as when Student's Council makes other rules and/or regulations, unless it is inconsistent with this Constitution

SCHEDULE I: *Deleted by Rev. of 5/5/2021*

SCHEDULE II:
SOMU CODE OF CONDUCT

1. Professionalism must be observed at all times. Role modeling shall be the guiding principle of this code of conduct.
2. All SOMU officials must maintain high level of integrity at all times
3. All officials are expected to be committed to SOMU. To that end they are answerable to Students' Council for any assigned duties. Failure to carry out assigned duties is punishable under this code of conduct.
4. The motto of Students' Council is to provide services to the University students and community.
5. Laid down procedures will be followed by the officials in carrying out their duties as well as airing their problems.
6. Officials are expected to refrain from activities that will bring SOMU into disrepute. Any official who does not comply with this code will be subjected to disciplinary measures.
7. Officials should refrain from activities that could be interpreted as a sexual harassment on their clients. Any official found guilty of this offence may be removed from SOMU as outlined in the Student Handbook.
8. Possession, using, selling and peddling of the narcotics cocaine, marijuana (bhang) heroine, miraa and illicit brews (chang'aa, busaa etc) and exhibiting unruly behavior resulting from their use will warrant the expulsion from SOMU as in article 8.

9. Officials are to abide by legislative organs as outline in SOMU constitution. Any official found guilty of violation of University Rules/Regulations and is suspended or discontinued by the University will be expelled from SOMU.
10. Any opportunities that come in the way of SOMU would be awarded on merit. Any official who uses unorthodox methods in trying to get such opportunities will be subject to disciplinary measures.
11. Any official who deliberately and intentionally provides false information on SOMU will be subject to disciplinary measures as provided for in the Student Handbook.
12. Officials are expected to hand in their work manuals during University closures or long holidays.
13. Officials are expected to abide by the provisions of the SOMU constitution.
14. An official who violates article 10.8 of the SOMU Constitution shall be disqualified from contesting the elections.
15. An official who does not comply with this code of conduct is subject to disciplinary measures, which may lead to dismissal from SOMU.

**SCHEDULE III:
OATH OF DUE EXECUTION OF OFFICE**

Ihaving been Elected as the..... Of Students' Council of the Students' Organization of Maseno University do hereby swear and pledge that,

I shall uphold and defend the constitution of SOMU,

I shall seek to defend and respect the democratic - rights and liberties of all SOMU members,

I shall conscientiously exercise my duties with due diligence and competence as provided for in this constitution without fear or favor, hate or hindrance and without personal biases,

I shall serve all members equally irrespective of race, creed, color, gender, religion or tribe and political affiliations,

I shall conscientiously discharge the duties of my office (for the SC members only),

I shall not compromise the rights and privileges of any member, and pledge this with the full Knowledge of my responsibility and bind myself with the same.

So help me God

Signed by..... At..... on this.....day of

In presence of

University Legal Officer/appointee

Before.....Signature
Director Students' Affairs