

GUIDELINES FOR PREPARING A DRAFT CHARTER OF A PRIVATE UNIVERSITY IN KENYA

These guidelines indicate the minimum information that should be included in each section of a draft charter.

COVER PAGE

1. Name of the university.
2. "Draft Charter"
3. Presentation to the Commission for Higher Education
4. Date of presentation

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Include all PARTS and Sections of the Charter discussed, for example:

PREAMBLE

This is a short sentence explaining how the Charter may be used. The rest of the Charter should be arranged in distinct PARTS and Sections which may take the following structure.

PART I – PRELIMINARY

Sections

1. Short Title.
2. Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University
3. Mission
4. Philosophy
5. Aims and Objects
6. Functions
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PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

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15. Chairman of the University Council
16. Functions of the University Council
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19. Alumni Association.

PART IV – MANAGEMENT OF THE UNIVERSITY

20. The Management Board or Equivalent
21. The Vice-Chancellor or Equivalent
22. The Deputy Vice-Chancellors or Equivalent and other Senior Officers
23. Performance of duties during incapacity of an office holder.

PART V – FINANCIAL PROVISIONS

24. University Fiscal Year
25. Sources of Funds
26. Annual Budget
27. Accounts and Audit

PART VI – MISCELLANEOUS PROVISIONS

28. The Common Seal and Signification of Documents
29. Statutes
30. Protection of Name
31. Variation and Revocation of the Charter

THE BODY OF THE CHARTER

A CHARTER FOR X UNIVERSITY

A Charter to provide for the establishment, control, governance and administration of X University, and for connected purposes.

PART 1 – PRELIMINARY

1. **Short Title**

A statement of how the Charter may be cited, including the date when the Charter becomes effective.

2. **Interpretation**

- a) Definitions of terms used in the Charter given in alphabetical order.
- b) Definitions should be precise and should make reference to the relevant section of the Charter where the term has been used, for example,

“Academic Council” means Academic Council of X University established in accordance with section Y of the Charter”.

PART II - ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. **Establishment and Incorporation of the University**

- a) Establishment of X University.
- b) The legal status of the university, indicating what the University will be capable of doing. These must be listed as follows:
 - i)
 - ii)
- c) Whether the university to be established is a successor to any other previously existing institution(s).

4. **Mission**

This is a statement of the Mission of the university and should include purpose, business and value statements.

5. **Philosophy**

The university may state its philosophy in the manner it deems fit.

6. **Aims and Objects**

These should be listed and must include:-

- a) Level of training to be provided and the method by which training will be provided.
- b) Involvement in research.
- c) Provision of resources for training, education and research.
- d) Development of other abilities in the student such as appropriate attitudes to live in society.
- e) The aims and objects of the university should be consistent with the philosophy and mission of the university.

7. Functions

- a) The functions of the university which should include:
 - i) Provision of resources for education, training and research and community service.
 - ii) Determination of who may teach, what may be taught and how it may be taught.
 - iii) Conducting research.
 - iv) Preservation, processing, transmission and dissemination of knowledge.
 - v) Conducting examinations, granting degrees, diplomas, certificates and other award.
 - vi) Undertaking community service.
- b) Criteria for admission of students to the university.

8. Constituent Colleges, Schools, Institutes

Indicate whether the university shall have Constituent Colleges, Schools and Institutes.

9. Affiliated Institutions

- a) State the institutions and organizations the university shall affiliate with.
- b) State the type of affiliations.

10. Conferment of Degrees, Diplomas, Certificates and other Awards

- a) A clause giving the university powers to confer degrees and grant diplomas, certificates and other academic awards.

- b) A clause giving the university powers to award fellowships, scholarships, bursaries and prizes.
11. **Withdrawal of Degrees, Diplomas, Certificates and other Awards**
- a) A clause giving the university powers to withdraw any degree, diploma, certificate or other academic qualifications conferred or granted.
 - b) A statement indicating the conditions that shall necessitate such withdrawal of degrees, diplomas, certificates etc.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

12. **Membership**

List the groups of people considered as members of the university.

13. **Governance**

List the various organs that will be involved in governing the university.

14. **Chancellor or Equivalent**

- a) Establishment of the position of the Chancellor.
- b) The powers of the Chancellor.

15. **University Council or Equivalent**

- a) Establishment of the University Council.
- b) Membership of the Council, stating who shall be the Chairman and who shall be the Secretary to the Council.
- c) Appointment of members of the Council.
- d) Tenure of members of the Council.
- e) Retirement or occurrence of vacancy in the office of a member of the Council.
- f) Appointment of a member of the Council upon a vacancy occurring before end of tenure.
- g) Meetings of the Council and quorum necessary for such meetings.
- h) Voting at meetings of the Council.

16. **Chairman of the University Council**

- a) The appointing authority.
- b) Tenure of appointment.

- c) The broad responsibility of the Chairman.

17. **Functions of the University Council**

- a) State the broad functions of the Council, namely. governance, control and administration of the university.
- b) List the specific functions of the Council which should include:
 - i) Development of policies for achievement of the university's Objectives.
 - ii) Administration of property and funds of the university.
 - iii) Raising funds and securing financial support for the university.
 - iv) Taking care of staff welfare
 - v) University fees and other charges
 - vi) Establishment of scholarships, bursaries and other awards.
 - vii) Appointment of university staff.
 - viii) Approval of regulations governing staff and student conduct.
 - ix) Approval of academic affiliations and other association with other colleges/institutions.
 - x) Establishment of its Committees.
 - xi) Establishment of departments, faculties, schools, institutes etc.

18. **The Senate or Equivalent**

- a) Establishment of the Senate
- b) Membership, indicating who shall be the Chairman and Secretary.
- c) Functions of the Senate which should include overseeing Academic programmes, quality and character of the university.
- d) Powers to establish its committees.

19. **Student Council or Equivalent**

- a) Provide for Establishment of the student Council.
- b) Functions of the Student Council.

20. **Alumni Association**

- a) Establishment of the Alumni.
- b) Functions of the Alumni.

PART IV - MANAGEMENT OF THE UNIVESITY

21. Management Board or Equivalent

- a) Establishment of the Board and
- a) Membership, indicating the Chairman and Secretary.
- c) The functions of the Board.

22. Vice-Chancellor or Equivalent

- a) Appointment of the officer including the appointing authority.
- b) Broad reference to his/her terms and conditions of service with respect to the body determining those terms.
- b) The broad responsibility of the officer.
- d) Tenure of appointment.

23. The Deputy Vice Chancellor(s) or Equivalent and other Senior Officers

Deputy Vice-Chancellor(s) and other Senior Officers of the university should also be presented under separate sections to include:

- a) Appointing authority
- b) The broad responsibilities
- c) Tenure of appointment.

24. Performance of Duties during the Incapacity of an Office Holder

PART V - FINANCIAL PROVISIONS

25. University's Fiscal Year

- a) Period of fiscal year
- b) Change in the fiscal year

26. Sources of Funds

List the university's sources of funds

27. **Annual Budget**

- a) Preparation of Annual Budget.
- b) Approval of the Annual Budget.

28. **Accounts and Audit**

Provide for auditing of the Accounts

PART VI - MISCELLANEOUS PROVISIONS

29. **Common Seal and the Signification of Documents**

- a) Custody of the Common Seal
- b) Authentication of the Common Seal

30. **Statutes**

- a) Power to make Statute
- b) The purpose of Statutes
- c) The process of making Statutes
- d) Amendment and revocation of Statutes

31. **Protection of the Name**

- a) The name to be protected
- b) Penalty for infringement on the protected name of the university.

32. **Variation and Revocation of the Charter**

Provide for variation and revocation of the Charter in accordance with section 16 of the Universities Act 1985.