

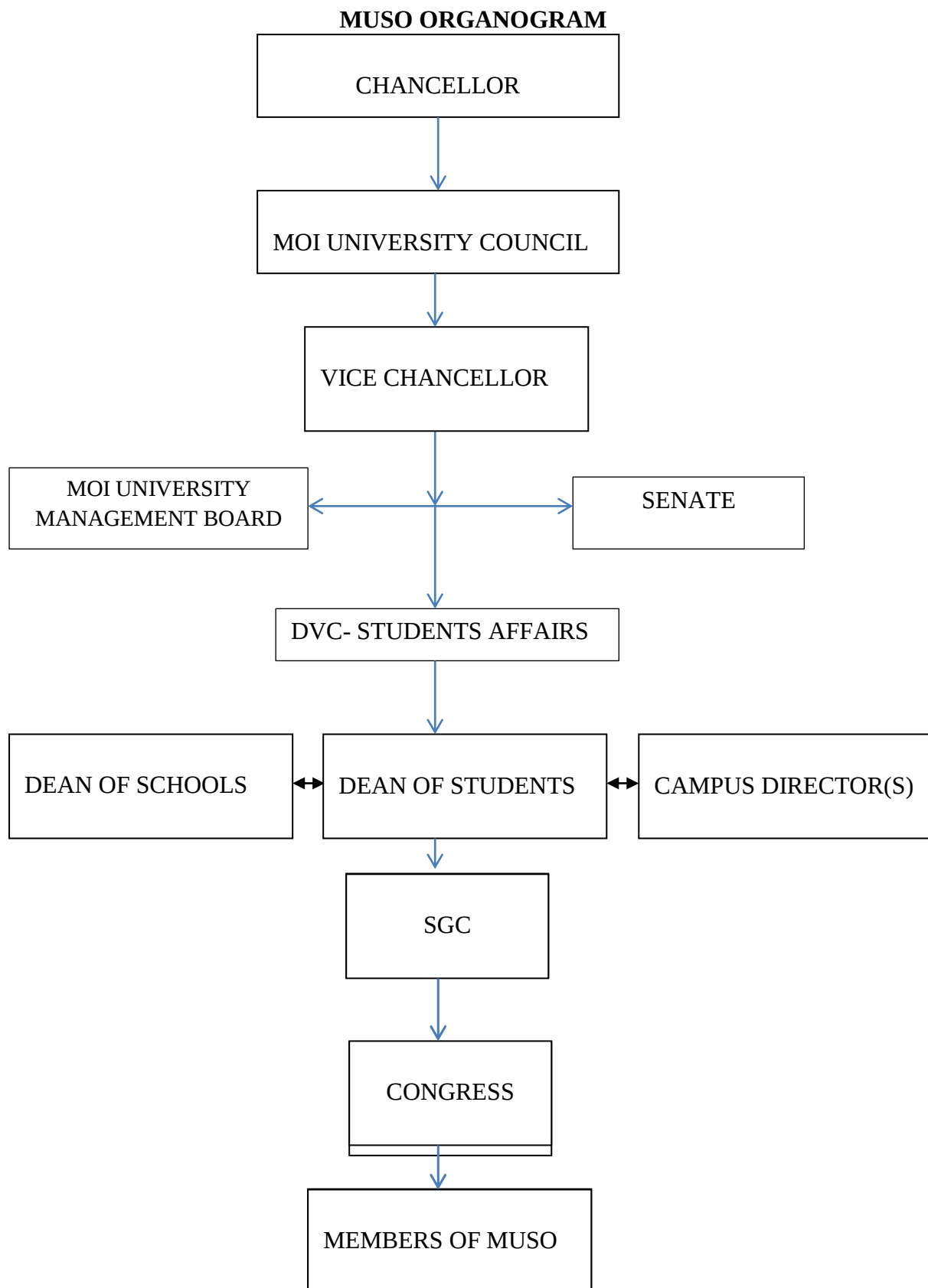


MUSO
MOI UNIVERSITY
P.O. BOX 3900
ELDORET

MOI UNIVERSITY STUDENTS ORGANIZATION CONSTITUTION

3RD EDITION 2018

MUSO



PREAMBLE

We, the students of Moi University,

AWARE that the organization of students at Moi University was created to serve the student community in the pursuit of academic and social welfare, peace, prosperity, integrity and dignity;

EXERCISING our right to determine the form of leadership we deem suitable for our organization;

CONSCIOUS of our sacred role as the foundation upon which the promotion of morality, individual judgment, and academic achievement depends;

APPRECIATING the existence of different autonomous campuses as the primary units of MUSO;-

ENCOURAGING working transitions of academic life and cultivation of a genuine and responsible sense of leadership, noting that the democratic values of transparency, accountability and respect for students' rights; and social justice, must be institutionalized in our system of organization so as to ensure that democracy is enjoyed by all students;-

CONVINCED, that this Constitution shall guarantee continued peaceful existence of the Association of students known as the MOI UNIVERSITY STUDENTS ORGANIZATION; best principles of student leadership within the Authority of The Universities Act, Statutes of Moi University, and the Laws of Kenya;

DO hereby **ADOPT, ENACT, and GIVE** to ourselves and to future generations this Constitution, as the Constitution of MOI UNIVERSITY STUDENTS ORGANIZATION (MUSO CONSTITUTION).

This Constitution shall be respected and acknowledged by members at all times as the guiding document of the Moi University Students Organization (MUSO)

MAY GOD BLESS MOI UNIVERSITY.

TABLE OF CONTENTS

MUSO ORGANOGRAM.....	1
PREAMBLE.....	2
TABLE OF CONTENTS	3
CHAPTER ONE: PRELIMINARY	6
Article 1: Short title.....	6
Article 2: Interpretation.....	6
Article 3: Establishment.....	7
Article 4: Headquarters	7
Article 5: Mandate.....	7
Article 6: Objectives.....	7
CHAPTER TWO: MEMBERSHIP AND MEETINGS.....	9
Article 7: Membership	9
Article 8: Categories of meetings.....	10
PART THREE: LEADERSHIP AND INTEGRITY OF MUSO OFFICIALS	12
Article 9: Responsibilities of a Student Leader.....	12
Article 10: Conduct and Financial Probity of Student Leader	12
CHAPTER FOUR: ORGANS AND STRUCTURE OF MOI UNIVERSITY STUDENTS ORGANIZATION (MUSO).....	14
Article 11: Organs of MUSO	14
Article 12: Establishment and Composition of Students Council.....	14
Article 13: Functions of the Students' Council.....	15
Article 14: Meetings of the Students' Council.....	15
Article 15: Roles and responsibilities of the Students' Council.....	17
Article 16: Liabilities of the Students Council.....	21
Article 17: Vote of no confidence in office bearers	21
Article 18: Tenure of office for office bearers	22
Article 19: The Congress.....	22
Article 20: College Representatives	23
CHAPTER FIVE: FINANCE AND INVESTMENTS	25
Article 21: Sources of Finance	25
Article 22: Collection of revenue and MUSO Account	25
Article 23: Allowances for office bearers	26
Article 24: MUSO investments and assets.....	26
Article 25: Books of accounts	26

Article 26: Auditing of books of accounts	26
Article 27: Claims for reimbursements	27
CHAPTER SIX: ELECTIONS AND BY-ELECTIONS.....	28
Article 28: Elections.....	28
Article 29: Composition and Establishment of the Independent Electoral Commission (IEC).....	29
Article 30: Election Rules and Procedures.....	31
Article 31: Spoilt Votes.....	35
Article 32: Election Offences.....	35
Article 33: Re-run of elections.....	35
Article 34: Dissolution of Electoral Commission.	35
Article 35: Independent Electoral Petitions Panel.....	36
Article 36: Elections Petitions.....	36
Article 37: By-Elections.....	37
Article 38: Swearing In	38
Article 39: Transition.	38
CHAPTER SEVEN: MISCELLANEOUS	39
Article 40: By-Laws.....	39
Article 41: Alteration of laws.....	39
Article 42: Affiliation.....	40
Article 43: Dissolution of MUSO	40
Article 44: Students' Welfare Committee.....	40
Article 45: Interpretation of the constitution.....	41
Article 46: Discipline	41
Article 47: Definition of Terms.....	42
CHAPTER EIGHT: TERMINATION OF OFFICE	43
Article 48: Expiry of term of office	43
Article 49: Cessation of MUSO	43
Article 50: Amendment.....	43
Article 51: By-Laws	43
Article 52: Honoraria	44
Article 53: Transitional provisions.....	44
SCHEDULES	45
SCHEDULE 1: STRUCTURE OF THE COLLEGES.....	45
SCHEDULE 2: MEMBERSHIP AND SUBSCRIPTION FEES.....	46

SCHEDULE 3: FINANCIAL BENEFITS OF OFFICE BEARERS	47
SCHEDULE 4: OATH OF ALLEGIANCE	48
SCHEDULE 5: TRANSITIONAL ARRANGEMENTS.....	49
SCHEDULE 6: COMMITTEE OF THE CONSTITUTION.	51

CHAPTER ONE: PRELIMINARY

Article 1: Short title

Moi University Students Organization Constitution may be cited as “the MUSO Constitution 2017”.

Article 2: Interpretation

In this Constitution, unless the context requires otherwise: -

“**ACT**” means: The Universities Amendment Act, Number 41 of 2016 of the Laws of Kenya;

“**Bona fide student**” means: A student who is legally registered at Moi University and fully paid fees and requisite MUSO registration and subscription fees.

“**Charter**” means: The Charter of Moi University under the Act.

“**Class Representative**” means: An individual elected by a simple majority of votes by the respective class members on the basis of one member one vote. And their jurisdiction shall be restricted to their respective classes by which they are elected.

“**Congress**” means: Unless otherwise stated, Congress shall mean a body established under the chapter of this constitution.

“**Disability**” means: sensory, mental or any other impairment including any visual hearing learning or physical incapability which impacts on their day today activities.

“**Election Offence**” means: Offences that interfere with the free exercise to vote such as bribery, giving false information, rigging or intimidation.

“**IEPP**” means: Independent Election Petition Panel.

“**Governing Council**” means: The MUSO Students’ Governing Council.

“**Monthly Allowance**” (M.A.) Means the allowance paid every month to a MUSO official in office.

“**MUSO**” means: Moi University Students Organization.

“**Senate Disciplinary Committee**”: Is responsible for hearing all complaints or allegations made against a student which constitutes a major violation of academic integrity regulations and non-academic misconduct in accordance with Rules and Regulations Governing the Conduct and Discipline of Students.

“**Statutes**” means: Statutes of Moi University currently in force.

“**Student with special needs**” means: A student with sensory, mental or any other impairment including any visual hearing learning or physical incapability which impacts on their day today activities.

‘Student’ means: A person validly registered by the University or any other person who is determined by the Senate to be a bona fide student of Moi University;

“University” means: Moi University

“University Council” means: The Council of Moi University as provided for in the Act.

Vice Chancellor” means: The Vice Chancellor of Moi University as provided for in the Act and Statutes.

University Auditor: An accountant appointed by the Finance Department of the University to inspect the expenditures of MUSO and according to this Constitution.

Article 3: Establishment

(a) There is established the Moi University Students Organization in accordance with Section 41 of the Universities Amendment Act, 2016.

(b) The name of the Organization shall be Moi University Students Organization (referred to as MUSO)

Article 4: Headquarters

(a) The Headquarter and the registered office of the Organization shall be Moi University, Main Campus

(b) The Association may also have its offices outside the Headquarters in any other location as may be approved by the University.

Article 5: Mandate

- 1) To represent, advocate for, and enhance the interest and welfare of students and also to provide selected services and provide moral and academic leadership to the students of Moi University.
- 2) To aspire to the highest levels of excellence, ethical standards, integrity, honesty and transparency in all matters related to this Constitution.
- 3) To accomplish this goal, MUSO must be accountable to its constituents: the students.

Article 6: Objectives

The objectives of this constitution are to:-

1. promote and protect rights of the students in academics, disciplinary actions, administration and health services, catering and accommodation, social welfare services and security.
2. work in solidarity with the students’ fraternity in championing and promoting the enjoyment of the freedom of rights, privileges and in developing a sense of responsibility towards the society and the nation.
3. ensure equitable gender participation in students’ affairs.

4. promote the integration of persons with special needs in Moi University.
5. honor members of the students' body who have made outstanding contributions to the University in academic and extracurricular activities.
6. strengthen and broaden external linkages in collaboration with the office in charge of Networks, Partnerships and Linkages in the University.
7. encourage students to engage in creative and innovative academic, technological research; present research papers and/or participate in symposia, seminars and conferences locally and internationally.
8. raise funds through lawful means for the purposes of achieving the aims and objectives of MUSO.

CHAPTER TWO: MEMBERSHIP AND MEETINGS

Article 7: Membership

It shall be open to all bona fide Moi University students who shall have paid registration and Annual Subscription fee which is subject to review by the University Council from time to time.

1.Rights of Members

- a) Each member is entitled to a free copy of the MUSO Constitution upon registration; copies in Braille and large print shall be available at the office of the Secretary General, MUSO.
- b) Each member is entitled to active participation in the legal, valid and legitimate activities of the Association.
- c) Each member is entitled to seek an elective position established in this constitution.
- d) Each registered member is eligible to vote (in this case voting for the College Representatives).
- e) A member shall have the right to access all relevant information relating to affairs of the Association including books and records of accounts, audit reports and minutes of meetings so far as it is reasonable.
- f) Each member shall have the right to express opinions, suggestions, complaints, compliments and ideas in a lawful manner.

2. Obligations of Members

- (a) All members shall recognize the MUSO officials as the valid and legitimate representatives of the student body and shall abide by all constitutional decisions as agreed upon.
- (b) Every member shall respect the property of MUSO, the University and the public.
- (c) Every member shall be required to honor his/her financial obligations to MUSO.

3. Discipline and suspension of membership

- (a) Every member shall respect the property of MUSO, the University and the public. Any member who causes damage to the aforementioned properties shall be liable to disciplinary action by the University Senate Disciplinary Committee and/or the Laws of Kenya.
- (b) Every member shall ensure that his/her conduct does not adversely affect the reputation or dignity of MUSO, the University and the public; any member whose behavior is adverse shall be liable to disciplinary action by the University Senate Disciplinary Committee and/or the laws of Kenya.

(c) Any member(s) accused of indiscipline shall be summoned in writing by the Dean of Students.

5. Cessation of Membership

Membership shall cease for upon: -

- a) completion of studies at the University
- b) transfer to another University, death, expulsion, discontinuation or for any other reason as may be determined by the University Senate.

6. Appeal to Cessation

Any member who is dissatisfied with a decision of suspension or cessation of membership by disqualification made by MUSO and the Students' Governing Council, may appeal to the University Senate in writing within fourteen (14) days of such decision being made and the determination of the University Senate will be final.

Article 8: Categories of meetings

(a) Annual General Meetings (AGM)

1. MUSO Annual General Meeting shall be held each year, and not later than twelve (12) months following the last AGM.
2. Notice in writing of such AGM, accompanied by the Annual Report Accounts and the Agenda for the meeting, shall be sent to all members of MUSO by the Secretary General of the SGC not less than fourteen (14) days before the date of the meeting and, where practicable, the notice of the meeting shall be widely advertised and publicized through all available media not less than seven (7) days before the date of the meeting.
3. The Annual Report and Account as set out in this Constitution shall be tabled at the AGM and shall be open for inspection by members.
4. The Agenda of any AGM shall involve the following;
 - i. Confirmation of the previous AGM minutes
 - ii. Tabling and adoption of Annual Reports and Accounts. The annual report is usually presented by the Chairperson. The report shall give an overview of the main achievements of the year. The accounts are presented by the Treasurer who gives a general overview of the financial position of MUSO.
 - iii. Confirmation of any other management report on the activities of MUSO during the past year.
 - iv. Unless otherwise provided in this Constitution, every resolution of the AGM shall be by a simple majority of the members present and by voting.

- v. Voting at the A.G.M. shall be by raising of a hand unless two-thirds of the members present resolves otherwise.
- vi. The quorum for the commencement of business of the AGM shall be 35% of members registered for studies during that semester. If a quorum is not present 30 minutes after the scheduled time of the meeting, the Chairperson shall convene and conduct the business of the meeting and the resolutions made shall be binding to all MUSO members.

(b) Special General Meeting (SGM)

Any member may at one time petition the Secretary General to convene an SGM by a written proposal for the SGM signed by not less than 51% of members of that MUSO chapter indicating their official names, registration numbers and signatures and copies served to the Dean of Students and the Chief Security Officer of the university who shall consent in writing and submitted to the Secretary General within 14 days prior to the proposed date of the meeting, and shall detail the agenda of the meeting. The Secretary General shall be obliged to respond within 7 days of the proposal being served. If the Secretary General fails to call the SGM, the said student will petition the Dean of Students to call the SGM.

PART THREE: LEADERSHIP AND INTEGRITY OF MUSO OFFICIALS

Article 9: Responsibilities of a Student Leader

(a) Authority assigned to a student leader is a public trust to be exercised in a manner that is:-

- i) consistent with the aims, objectives and intents of this Constitution;
- ii) demonstrates respect for Moi University students; their wishes and aspirations;
- iii) upholds the dignity and place of Moi University; and
- v) instills in the student leader the courage and determination to serve, rather than rule MUSO.

(b) Any student, elected, nominated or appointed to any organ of MUSO and any authority mandated to elect, nominate, or appoint shall ensure that such causes are performed on the basis of:

- (i) personal integrity, competence and suitability, or election in free and fair elections;
- (ii) impartiality and objectivity in decision making ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
- (iii) honesty in the execution of public duties;
- (iv) the declaration of any personal interest that may conflict with the execution of public duty;
- (v) discipline and commitment in the service to the MUSO.

Article 10: Conduct and Financial Probity of Student Leader

1. Conduct of Student Leaders

(a) A student leader shall behave, whether in public, official, private or in an Organization with other persons, in a manner that avoids:

- (i) any conflict between personal interests and public or official duties;
- (ii) compromising the interest of students of Moi University and a personal interest;

or

- (iii) determining the office the student leader holds.

(b) Any Student Leader who contravenes this Constitution: -

- (i) shall be subject to the applicable disciplinary procedures in the university; and
- (ii) may, in accordance with the disciplinary action, be dismissed or otherwise removed from office.

(c) A student leader who has been dismissed from office for contravention of the provision of this constitution on conduct above is disqualified from holding any other office or position; be it elective, nominative, or appointive for the remaining period of academic life of such a student.

2. Financial probity of Student Leaders

(a) A gift or donation to a student leader on a public or official Organization is a gift or donation to the students of Moi University and shall be delivered to the Dean of Students for onward remittance to the appropriate organ of the Organization.

(b) A Student Leader shall not:-

(i) keep any money, in any form, belonging to the Students' Organization in his personal account; or

(ii) seek or accept a personal loan or benefit, using the resources of MUSO as surety, or benefit in circumstances that compromise the integrity of the student leader, the image of the Students' Organization and the reputation of Moi University.

3. Restriction on activities of student leaders

Any elected student leader shall not hold office in any Organization (s), except if the Organization (s) is professional or faith based.

4. Regulation on leadership

(a) The Congress shall recommend: -

(i) procedures and mechanisms for effective administration of this chapter;

(ii) penalties that may be imposed in the event of contravention of this chapter;

(iii) any other provisions necessary for ensuring the promotion of the principles of leadership, the safeguarding of the preamble, and the achievement of the intents of this part of the Constitution.

CHAPTER FOUR: ORGANS AND STRUCTURE OF MOI UNIVERSITY

STUDENTS ORGANIZATION (MUSO)

Article 11: Organs of MUSO

This Constitution establishes the Moi University Students Organization (MUSO) that is anchored in the Deputy Vice Chancellor, Students Affairs' Office and whose operations are coordinated by the Dean of Students.

(1) The organs of MUSO shall be:-

- (a) The Students' Council
- (b) The College Representatives
- (c) Annual General Meeting herein also referred to as AGM;
- (d) Special General Meeting herein also referred to as SGM; and
- (e) Any other organ as determined by the SC subject to approval by congress.

Article 12: Establishment and Composition of Students Council

A. The Students' Council

(1) Establishment of the Students' Council

- (a) There is established the Students' Council of MUSO which shall report to the Dean of Students and the DVC, Students Affairs in that order.
- (b) Subject to the provisions of this constitution, the Students' Governing Council shall be the chief administrative and managerial organ of MUSO.
- (c) The office of the Students' Council shall be located at the Main Campus of Moi University.
- (d) Meetings of the Students' Council shall be held at the Main Campus of the University unless determined by the University Senate.

(2) Composition of the Students' Council

The Students' Council (SC) shall consist of:-

- a) Chairperson
- b) Vice Chairperson
- c) Secretary General
- d) Treasurer
- e) Three other members to represent special interests of students namely;
 - (i) Academics Secretary
 - (ii) Co-curricular Activities Secretary
 - (iii) Special Needs and Social Affairs Secretary.

Article 13: Functions of the Students' Council

(1) The Students' Council shall have the authority and responsibility provided for in this Constitution and in particular shall: -

- (a) be responsible for the day-to-day running of MUSO;
- (b) implement decisions of the Congress;
- (c) have powers to deal with emergency matters, but shall report to Congress at the next meeting;
- (d) ensure that accurate records of the properties, income, liabilities and expenses of MUSO are well kept together with other documents and books of accounts;
- (e) announce any vacant position in the Students' Governing Council between Annual General Meetings and report to the Congress for advertisement and subsequent elections;
- (f) table before the Annual General Meeting a statement of financial position and financial statement of accounts of MUSO.
- (g) ensure that all members uphold this Constitution, it's by-laws, rules and regulations.
- (i) have two members of the Students' Council entitled to attend Senate as long as the deliberations of the Senate are not touching on matters which are considered by the Chairperson of Senate to be confidential or which relate to examinations, the general discipline of students, and other related matters as shall be determined by the Chairperson of the Senate;

(2) further functions of the Students' Council are as enumerated in Section 41 of the Amended Universities Act, 2016: -

- (a) oversee and plan, in consultation with the Senate, Students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being of all students;
- (b) draw to the attention of the appropriate authorities, where necessary, special needs from particular students;
- (c) offer suggestions to the Senate or its equivalent on matters affecting the well-being of students; and
- (d) undertake such other functions as provided for in this Constitution.

Article 14: Meetings of the Students' Council

(1) Meetings of the Students' Council shall be held at least ONCE every month during a semester.

- (a) The meeting shall be conducted in accordance with clauses (3) and (6) (a) (b) (c).

(2) The Chairperson shall preside over every meeting of the Students' Council in a manner to be determined by the Students Council during its first meeting following inauguration into office.

(3). In the subsequent meetings of the Students' Council, the following shall preside: -

(a) the Chairperson,

(b) in the absence of the Chairperson, the Vice Chairperson,

(c) in the absence of the Chairperson and the Vice Chairperson, any other member of the Students' Council elected by members at that time

(4) The quorum for the commencement and holding of a meeting by the Students' Council shall be two thirds ($\frac{2}{3}$) of the members who should be present for not less than half the entire duration into office.

(5) All relevant deliberations of the meeting shall be recorded by the Secretary General as minutes which shall be signed by both the Chairperson and the Secretary General at the next meeting.

(a) If there are alterations to the minutes, such alterations shall be made below the Chairperson's signature so as not to interfere with the original record.

(b) The Chairperson will then sign again and therefore update the final record.

(c) A copy of the minutes of each Students Council meeting shall be provided to the Dean of Students.

(6) A member who fails to attend three (3) consecutive meetings of the Students' Council without a reasonable excuse recorded in writing, shall lose his/her financial allowance for the month in which he/she is absent for the third time from a meeting of the SC.

(7) Decisions in the Students' Council

(i). Any question proposed for decision in a meeting of the Students' Council shall be determined by a majority of the votes of the members present.

(ii). On any question proposed for decision in a meeting of the Council, the person presiding in the meeting shall: -

(a) if he or she is the Chairperson, have a casting vote but not an original vote;
or

(b) If he or she is not the Chairperson, have both an original vote and a casting vote.

(8) Reporting System

The Students Council shall report to the Dean of Students, Deputy Vice Chancellor (Students Affairs) and the Vice Chancellor in that order.

(9) Qualification for election to the Students' Council:

- (i). A person is qualified to be nominated as a candidate for election to the Students' Council if that person: -
 - (a) is an ordinary member of MUSO; and
 - (b) is nominated by not less than 10% members of each electoral college; and
 - (c) is a fully paid-up member of MUSO; and
 - (d) is a bona fide student at the University with at least two study semesters remaining and a cumulative score of not less than 60% in academic results.
- (ii). A person is disqualified to be nominated as a candidate for election to the Council if that person: -
 - (a) is a candidate for election to Congress; or College Representative (delegate); or
 - (b) is a member of the Electoral Commission, or the Election Appeals Committee; or
 - (c) has previously been removed from office for violation of the Constitution or for gross misconduct; or
 - (d) has been previously convicted of a criminal offence by a competent Court of Law in the Republic of Kenya; or
 - (e) has received an academic warning within any of the last two semesters;
- (iii). A candidate shall be disqualified for election to the Council if such a candidate fails to attend and take part (without prior written permission from the Electoral Commission) in the formal question-and-answer campaign and/or debate organized by the Electoral Commission.

Article 15: Roles and responsibilities of the Students' Council

1. The Chairperson

- (a) There is created the office of the chairperson in the SC. The chairperson shall have a running mate of opposite gender who shall be the vice chairperson.
- (b) The Chairperson shall have authority and responsibility as provided in this constitution and in particular shall: -
 - (i) preside over all meetings of The Students' Council, The Annual General Meeting, Special General Meetings and Congress meetings
 - (ii) represent MUSO at Senate and the Students' Disciplinary Committee, unless he/she is the subject of a disciplinary hearing;

- (iii) ensure proper and cordial relations among the various organs of MUSO and the University's Administration;
- (iv) together with the Secretary General sign any contractual agreements with individuals and or organizations on behalf of MUSO after the approval of SC;
- (vi) represent MUSO at national and international levels on issues relevant to MUSO interests provided that such representations are reported to the governing council;
- (viii) delegate or assign duties to any member of the SC or any MUSO member subject to the approval of the SC;
- (viii) address the opening of each newly elected MUSO officials and on every first seating of the Students Council each semester.

2. The Vice Chairperson

- (a) There is created the office of the Vice Chairperson in the Students' Council which shall be contested in the manner of a running mate with the Chairperson and must be of the opposite gender.
- (b) The Vice Chairperson shall have the authority and responsibility as provided in this constitution, and in particular shall: -
 - (i) deputize the Chairperson in the execution of the Chairperson's functions and perform the functions conferred by this Constitution and any other functions of the Chairperson as the Chairperson may assign;
 - (iii) in conjunction with Club officials, coordinate all activities of registered clubs/movements/ Organizations in the University.
 - (iv) be responsible over all MUSO property.
 - (v) receive and record requests for financial assistance by members and in particular deal with matters affecting needy students and
 - (vii) co-ordinate general student's welfare services like transport, benevolence, sickness and funeral in liaison with relevant Secretaries and authorities;

3. The Secretary General

- (a) There is created the office of the Secretary General in the SC.
- (b) The Secretary General shall have authority and responsibility as provided in this Constitution and as delegated to him/her by the Students' Council and in particular shall: -
 - (i) be the Secretary of the Students' Council and keep in a business-like manner, true and accurate records of the proceedings of every meeting of the Students' Council, AGM, SGM and any emergency meetings;
 - (ii) in consultation with the Chairperson, he/she shall conduct all general correspondence of the SC on behalf of MUSO;

- (iii) manage and regularly update the MUSO website in liaison with the University's Corporate Communications Officer;
- (iv) be the custodian of the MUSO Constitution and ensure that the Constitution is free from willful and malicious interference and be in liaison with the University Legal Officer on MUSO's legal matters;
- (v) co-ordinate and facilitate community services and related projects;
- (vi) advice the Congress on matters relating to external relations
- (vii) with the authorization of the Vice Chancellor and the DVC students' Affairs, he/she may make public statements to the media and institutions outside the University;
- (viii) be the spokesperson of MUSO; and
- (ix) represent MUSO at the Students' Welfare Committees in the university and the Students' Disciplinary Committee (unless he is directly affected)

4. Treasurer

- (a) There shall be a Treasurer of the SC.
- (b) The Treasurer shall have authority and responsibility as provided in this Constitution and in particular shall: -
 - (i) keep in a business-like manner, true, accurate, and timely record of the proceedings of every financial transaction of MUSO;
 - (ii) ensure that MUSO's books of account including requisitions, receipts and vouchers are safe;
 - (iii) ensure that every payment and expenditure is duly authorized;
 - (iv) create awareness among the members regarding student-related financial policies, procedures and regulations of the University;
 - (v) present a budget at the first meeting of the Students' Council every semester;
 - (vi) Subject to this Constitution perform duties as delegated to him/her by the Students' Governing Council.

5. The Academics Secretary

- a) There is hereby created the office of the Academics Secretary of MUSO.
- b) The Academics Secretary shall exercise authority and have responsibility as provided in this Constitution and in particular shall: -
 - (i) advocate for the provision of high quality academic facilities, resources and services for effective and better academic programs of the university;
 - (ii) liaise with and preside over as Chairperson to MUSO Editorial Board, call for and receive articles from the contributor newsletter publications and edit the articles on behalf of

the editorial board and in liaison with the MUSO editorial board oversee the printings, publishing, sales and distribution of the newsletter; and

(iii) in liaison with the Dean of Students, he/she shall develop and organize leadership training programs;

iv) coordinate students' academic loans and bursaries

v) perform any other functions or duties that may from time to time be assigned to him by the SC.

6. The Co-Curricular Activities Secretary

a) There is hereby created the office of the Co-curricular Activities Secretary of the SC who shall have two diverse functions: -

(i) In terms of Entertainment, he/she shall organize for all entertainment and recreational activities only after approval by the SGC as well as make arrangements to pay for the entertainment in collaboration with the Treasurer;

(ii) In terms of sports and games activities he/she shall;

- develop the sports policy of MUSO and liaise with the University Sports Department to ensure members' welfare in matters pertaining to sports are realized;
- facilitate and encourage the formation of clubs and movements relevant to the needs of members of MUSO and whose objectives do not run contrary to the University rules and the laws of the land for sports;
- represent the MUSO in the management of the university sports teams; and
- Perform any other functions or duties that may from time to time be assigned to him/her by this Constitution.

7. The Special Needs and Social Affairs Secretary

a) There is hereby created the office of the Co-curricular Activities Secretary of the SC who shall have four diverse functions;

(i) In terms of Health of the Students he/she shall

- liaise with the department of health services in providing any possible assistance to students;
- recommend the introduction of relevant health services which may be found necessary from time to time;

(iii) In terms of Student's Catering needs he/she shall:-

- work in close liaison with the Catering Unit in the University and help identify and find appropriate solutions to the student problems in that area;

- ensure the provision of essentials in the catering department and that the students catering is up to the recommended standards;

(iv) In terms of Students' Accommodation and Security he/she shall: -

- work in close liaison with the Hostels Officer in the University and help identify and provide appropriate solutions to student problems in the area of accommodation and security; and
- Work in close liaison with the office of the Chief Security Officer to ensure student security;

(v) In terms of looking after the interests of Persons with Special Needs he/she shall perform any other duties as may be assigned by the SC from time to time

Article 16: Liabilities of the Students Council

1. The members of the Students Council may be held jointly and or severally for negligence and mismanagement of affairs of MUSO; but in any event, shall not be held liable for the misdeeds of individuals in their private capacity nor suffer victimization in the discharge of their responsibilities; provided that they shall carry themselves with responsibility and dignity and without misuse of their office.
2. (i) A member of the SGC shall vacate office if:
 - a. he/she ceases to be a member as provided for in this Constitution.
 - b. such a person, by reason of infirmity of mind or body, is unable to execute the functions of his/her office; or
 - c. members decide in accordance to this Constitution that they have no confidence in such a member being an office bearer; or
 - d. such an office bearer resigns, and personally hands a letter of resignation to the Dean of Students giving a seven working days' notice and reason(s) for resignation and accepted by the Student's Governing Council.
3. In the event of vacancy created, except in the circumstance when a new office bearer is elected and inaugurate in accordance with the provisions of this Constitution, a by-election shall be held to replace him or her.

Article 17: Vote of no confidence in office bearers

- (i). Subject to this section, at any one time, one third of the members in full session may move a vote of no confidence in any office bearer(s); which shall be passed through a resolution supported by not less than 65% of the members in session at the time the motion is debated.
- (ii). Any move proposing a vote of no confidence shall be passed on to the Congress Secretary, who shall have it tabled in Congress and if supported by not less than

75% of the members of the Congress, the Congress shall compel the Governing Council to convene an SGM for purposes of discussing such a move within 7 days of such a resolution. (After written notice of not less than five working days to the member who is the subject of the motion clearly stating the grounds for such motion). A motion of no confidence in a member of the Governing Council shall be moved for:-

- (a) blatant violation of the provisions of this Constitution or gross misconduct or
 - (b) persistent inability to execute the duties of the office as provided in this Constitution.
 - (c) financial mismanagement.
- (iii) In the event a vacancy is created (except in the circumstances provided by subsection (1), paragraph (a) here above) as provided in this section:-
- (a) if the office left vacant has a deputizing officer, the Deputy shall assume and act in the vacancy created until the next general election, and the Governing Council shall appoint a member of Congress to act and serve in the vacancy now created after the elevation of the deputy; or
 - (b) if the vacancy created has no deputy, the Governing Council shall appoint one person from among members of Congress to act and serve in the vacancy so created until the next general elections.

Article 18: Tenure of office for office bearers

- (1) In accordance with this Constitution, the tenure of office for office bearers shall be one calendar year.
- (2) A member of the Students' Governing Council shall hold office for a term of one year and may be eligible for re-election for one final term

Article 19: The Congress

There is established the student's Congress in Moi University.

(a) Composition of the Congress

- i) The Congress shall consist of SGC and College Representatives with the Dean of Students as an ex-official member.
- ii) The Chairperson of the SGC will chair Congress meetings and the Secretary General will take minutes.
- iii) The Congress will meet two times per semester

(b) Functions of the Congress

The Congress shall: -

- (i) carry out discussions and approve MUSO policies, proposals and decisions
- (ii) monitor the implementation of its resolutions by the SGC
- (iii) discuss and recommend budgetary proposals prepared by the SGC
- iv) discuss general matters of concern relating to members of MUSO

(c). Congress Meetings

Congress meetings shall be held not more than two times in a semester and shall be presided over by the Chairperson of the SGC and in the event the Chairperson is absent, the Vice Chairperson will preside over.

The main agenda will be, inter alia to: -

- i. receive quarterly financial reports from the Treasurer;
- ii. debate and approve budgetary proposals by the SGC
- iii. formulate the immediate future plans to MUSO;
- iv. **discuss** general matters touching on the welfare of students
- v. transact any other business of MUSO in the manner prescribed by this constitution.

Article 20: College Representatives

There is established the positions of College Representatives in every Campus. The Colleges shall be classified according to Schedule I and the election of College Representatives will be carried out according to the provisions of Chapter Six of this constitution and specifically Article 27.

The three posts at the College level shall be:

- i) Academics Representative
- (ii) Co-curricular Representative
- (iii) Social Affairs & Special Needs Representative

(b) Role of the College Representatives

- (i) to elect the SGC according to the provision of Chapter Six of this constitution
- (ii) in consultation with the respective Secretaries in the SGC, discharge their duties according to the docket they represent
- (iii) be members of the Congress and shall discharge their duties as per Article 17 of this constitution
- (iv) to relay information/decisions made at the Congress to students in their respective Colleges
- (v) to liaise with the Dean of Students on matters affecting the general welfare of students at their respective Colleges

(c) The role of the Deputy Vice Chancellor, Students Affairs

The Deputy Vice Chancellor, Students Affairs shall;

- (i) from time to time advice the Congress on areas of administrative concern
- (ii) approve the expenditures of Congress
- (iii) appoint the Independent Electoral Commission to oversee the MUSO elections according to Chapter Six of this Constitution.

(d) Role of the Dean of Students

The Dean of Students shall:

- (i) advice the Congress on the general running of the Organization
- (ii) from time to time advice the Congress on matters related to the University policies
- (iii) provide administrative guidance to Congress
- (iv) be an ex-official member in the Congress
- (v) guide the Congress in preparing budget estimates and monitor its implementation
- (vi) be the Accounting Officer of MUSO funds
- (vii) coordination of the MUSO elections as provided for in Chapter Six of this Constitution

CHAPTER FIVE: FINANCE AND INVESTMENTS

Article 21: Sources of Finance

- (i). The finances of MUSO shall be derived from: -
 - (a) MUSO membership and subscription fees as per Article 7 (1) of this Constitution
 - (b) revenue earned from investments;
 - (c) fund raising activities, grants and donations;
 - (d) any other lawful undertakings as may be determined by the University Senate

Article 22: Collection of revenue and MUSO Account

- (i). Collection of MUSO subscription fees shall be done, for onward remission to the MUSO Vote in the manner prescribed by the University financial regulations such that: -
 - (a) Membership fee (as contained in Schedule 1) shall be paid, once, upon registration for the first year of study at the University; and
 - (b) Subscription fee (as contained in Schedule 1) shall be paid in every subsequent year a member is registered for studies at the University.
- (ii) All fees collected shall be kept in the Finance Department in the University

Article 20: Expenditure

- (a) The Treasurer in consultation with the Congress shall draft a budget for MUSO which shall be recommended by the Congress, forwarded to the Dean of Students and the DVC Students Affairs to recommend. The Organization's Budget shall be approved by the Deans' Committee before expenditure.
- (b) The funds of MUSO shall be used for the following purposes: -
 - (i) bursary allocation to needy students,
 - (ii) general administration of the Association including meetings, stationery, correspondence, workshops and reimbursement of travelling expenses,
 - (iii) supporting any publications i.e. magazines, journals, periodicals which will be used to further the objectives of the Association,
 - (iv) financing clubs, society and religious groups in furthering the objectives of the Organizations,
 - (v) financing welfare matters and entertainment
 - (vi). financing students with special needs, according to the policies of the National Council of Persons with Disabilities (NCPWD).

(vii). any other expenditures of MUSO shall be approved by the University Management Board on the recommendation of the Dean of Students, the University Finance Officer, the DVC Students Affairs and the DVC Finance.

(c) The expenditure of the Association shall be conducted in accordance with the approved budget and the plan of activities ratified for the financial year

(d) All expenditures shall be subject to the University's applicable financial regulations and procurement procedures

(e) All expenditures shall be recommended by the Chairperson, Secretary General and the Finance Secretary and forwarded to the Dean of Students for appraisal before approval is granted.

(f) Financial requisitions emanating from College Representatives must have at least two College Representatives from that particular Campus recommend, a member of the SGC in charge of the Campus and forwarded to the Dean of Students and the DVC Students Affairs for approval.

Article 23: Allowances for office bearers

The MUSO leaders will be entitled to monthly salaries and allowances whose figures shall be reviewed by the University Senate from time to time.

Article 24: MUSO investments and assets

a) Business Premises in the University are owned by the University. The SC may make an application to the University Management Board through the Dean of Students for approval to carry out business activities to generate revenue for the Organization.

b) Tendering of the Business premises will be coordinated by the Dean of Students and the MUSO leaders at respective Campuses.

Article 25: Books of accounts

All financial accounts of MUSO shall be entered into books of accounts by the Finance Secretary in consultation with the Finance Officer and shall be presented to the University Internal Auditor who will prepare a report for the AGM/SGM.

Article 26: Auditing of books of accounts

(1) The accounts of MUSO shall be audited by the University Auditor at least four weeks before the AGM

(2) The books of account and balance sheet shall be approved by the Finance Officer and presented to the University Internal Auditor who shall make a report.

(3) The audited accounts and balance sheet shall be published after approval by Moi University Students' Council not later than seven calendar days before the AGM.

(4) MUSO shall maintain proper records of books of accounts and all financial documents relevant thereto and shall be available for audit and scrutiny.

Article 27: Claims for reimbursements

Claims for reimbursements of personal finances used for the services of MUSO shall be made to the Treasurer; receipts attached thereto, on designated claim forms for submission to the Dean of Students and Finance Officer for processing.

CHAPTER SIX: ELECTIONS AND BY-ELECTIONS

Article 28: Elections

(1) General Principles

(a) The Electoral system is based on the twin principles of equality of the vote, and the right of every member to vote, contest for election and hold electoral office.

(b) The elections must be free and fair in that they are: -

- i. by secret ballot.
- ii. free from violence, intimidation, improper influence or corruption.
- iii. ensure fair representation of all members, both in terms of gender and persons with disabilities.
- iv. conducted by an independent body.
- v. Transparent; and
- vi. administered in an impartial, neutral, efficient, accurate and accountable manner.

(c) Elections shall normally be held in the tenth week of the second semester of the academic year; save for by-elections that can be conducted at any time of the semester in an event of any office falling vacant.

(d) The election of every MUSO official shall be conducted according to the provisions of this constitution and the Electoral Commission rules and regulations governing the conduct of elections.

(2) Election of MUSO Officials

The election of MUSO officials both at the College level and the Student Governing Council shall be carried out as provided for in Article 41 of the Universities (Amendment) Act 2016.

Qualifications for Election

(a) A member is qualified for elections to MUSO if at the time of elections, he/she: -

- i. is a registered and bona fide student of Moi University
- ii. has at least **TWO** semesters left for study or has at least completed **ONE** semester of study,
- iii. is registered in the college area he/she represents,
- iv. shall be a paid-up member,
- v. shall have a clean disciplinary record as captured under Article 60,
- vi. shall have successfully passed their examinations in the academic semester immediately preceding the elections and achieved a mean score of 60%,
- vii. shall have fully paid up their fee for the academic semester immediately preceding the elections,

- viii. shall have at least collected 10% of the signatures of the Electoral College which the aspirant is a member and in the case of an SGC aspirant one ought to collect at least 20% of each of the constituent Electoral Colleges,
- (b) no candidate shall contest for more than one elective position in the same election,
- (c) no candidate shall contest for any leadership position unless he/she has been a member of MUSO for at least one academic year,
- (d) no candidate who has contested and won a Students' post shall succeed himself/herself more than once

3. Disqualification for Election

The following categories of members are not eligible to vie for any electoral post(s) in MUSO: -

- i. a member of the Independent Electoral Commission
- ii. a person who has been convicted of a criminal offence in a court of law,
- iii. those who have been subjected to any disciplinary actions by the University for violation of the student code of conduct or any other form of indiscipline and have not been cleared by Dean of Students.
- iv. students admitted to Moi University on transfer from another/other University or universities must have been in Moi University for at least two semesters to be qualified for election.

Article 29: Composition and Establishment of the Independent Electoral Commission (IEC)

(A). There is established the Independent Electoral Commission (IEC). The DVC, Students Affairs shall appoint members of the IEC.

- (1) The Independent Electoral Commission shall be appointed, constituted and established **TWO** weeks to the election date.
- (2) The Independent Electoral Commission shall consist of-
 - (a) the Dean of Students who shall have the responsibility of any administrative and financial matters of the commission.
 - (b) such number of final year students appointed by the panel Chaired by the Dean of Students through interviews.
 - (c) members of staff from the Dean of Students as may be recommended by the Dean of Students
 - (d) the University Chief Security Officer who shall be an ex-officio member.
 - (e) the representative of the DVC Students Affairs
 - (f) the University Chaplain

- (3) Students who have served as officials of MUSO (College Representatives or Students Council) shall **NOT** be eligible to serve in the Independent Electoral Commission.
- (4) Decisions at every meeting of the commission shall be reached by consensus.
- (5) The Independent Electoral Commission shall have powers to investigate and may dismiss a member of the Commission where there shall be evidence of misconduct or reasonable dissatisfaction from MUSO members. Such decisions shall be final.
- (6) The Independent Electoral Commission in its first sitting once constituted shall elect from among them a Chairperson and a Secretary.
- (7) Appointment of the Independent Electoral Commissioners
 - (i) Members of staff to form the Independent Electoral Commission shall be appointed under Article 29 A. (4) c,d,e and f
 - (ii) The Dean of Students shall advertise in the University Notice Boards to invite students to apply to be members of the IEC indicating qualifications required
 - (iii) Qualified candidates shall be invited for interviews
 - (iv) Successful applicants shall be appointed by the DVC Students Affairs to form part of the Independent Electoral Commission.

(B) IEC Executive Committee

- (1) The Committee will be composed of the Chairman of IEC, Secretary, Dean of Students, DVC- Students Affairs and one other IEC member.
- (2) The IEC Executive Committee's major role will be the appointment of the Returning Officers whose Qualification shall be a full Professor and MUST have been a Dean of School or Director of a Directorate.

(C). Functions of the Independent Electoral Commission

- (1) Subject to the provisions of this Constitution, the Electoral Commission shall:
 - i) conduct and supervise MUSO's elections.
 - ii) promote free and fair elections.
 - iii) determine the date of submissions for applicants of candidacy and clearance.
 - iv) supervise the preparation of the voter register, ballot papers and boxes, and designation of polling stations.
 - v) facilitate observation and evaluation of MUSO's elections.
 - vi) promote civic education within the University.
 - vii) provide a voting procedure that is understandable and precise.
 - viii) regulate the method of campaigning.

- ix) prepare and post a list of candidates qualified for election, and a list of applicants disqualified and reasons for the disqualification.
- x) verify all nominations for candidates according to the procedure it shall establish on the elections code.
- xi) conduct a one-day seminar for cleared candidates to familiarize them with the University's Statutes, this Constitution, the Student Handbook or any subsequent student guide and the electoral code.
- xii) declare a seven (7) day campaign period upon the release of the names of the qualified candidates. All qualified candidates shall be allowed to peacefully and lawfully conduct their campaign within the campus.
- xiii) release and announce the results of the voting by the Returning Officers of and at each polling station.
- xiv) warn candidates and disqualify them for violating the electoral code as established by this Constitution and the Board.

Article 30: Election Rules and Procedures

The finer details of the election procedure and requirements shall be provided by the office of the Dean of Students.

A. Election Procedure

- 1) Voting shall commence at 6am and end at 5pm on the polling day but the period may be extended by the Commission depending on the prevailing circumstances;
- 2) Every MUSO election shall be by secret ballot, on the principle of one member three votes for the college representatives (delegates);
- 3) The electoral roll/register shall be prepared by the Students Electoral Commission in consultation with the Dean of Students;
- 4) Every voter shall be required to produce a valid student identity card to be verified against the nominal roll after which the name shall be crossed out;
- 5) The ballot boxes shall be transparent, of a fixed number, clearly labeled, counted, certified and recorded.
- 6) No campaign of any kind will be allowed within the polling station on Elections day. Contravention of this rule shall disqualify the candidate from the election.
- 7) No member in possession of campaign materials (e.g. photos, leaflets, portraits and any such other campaign material) will be allowed within the polling station and its vicinity.

- 8) Each candidate shall be allowed to register agents one week to elections with the Electoral Commission. Each candidate shall not have more than one (1) agent at a time inside a polling station.
- 9) Candidates and/or their agents have the right to witness the counting and tallying of votes.
- 10) A voter shall cast his/her vote by use of a ballot paper, or electronically or both provided that in the case of electronic elections, the Students Electoral Commission will give prior guidelines and civil education on the methods to be used.
- 11) Each voter shall be issued with one ballot paper bearing names of all contesting candidates and he/she shall mark in the box against the name of the candidate of choice by either putting a cross (X) or tick (✓). He/she shall then take the ballot paper so as to conceal the vote and drop it into the ballot box.
- 12) A voter who is unable to vote owing to disability, impairment restricting the use of his/her hands, or is indisposed may be assisted or supported by a person of the voter's own free choice after permission is sought from the Returning Officer.
- 13) A voter who accidentally damages his/her ballot paper before casting a vote may obtain another ballot paper provided he/she shows evidence on how that ballot paper got spoilt.
- 14) The spoilt ballot paper shall be immediately cancelled and the counterfoil thereof marked accordingly.
- 15) The Returning Officer shall seal any ballot box that is full in the presence of candidate(s) and/or their agents.
- 16) Counting shall be done at the respective polling stations and immediately after voting, the Returning Officer in the presence of the candidate (s) and/or their agents:-
- a) he/she shall open each ballot box,
 - b) empty its contents onto the table or any other facility provided for the purpose,
 - c) shall for every ballot paper, announce the candidate in whose favor the vote was cast,
 - d) display to the candidates and/or agents the ballot paper and,
 - e) put the ballot at a place on the counting table, or other facility provided for this purpose.
- 17) Ballot papers shall be rejected during counting if they are not designed for that particular election, marks have been made in respect of more than one candidate per post, marks identifying the voter have been made or they are unmarked.
- 18) Immediately after the results of the poll from all polling stations in a college have been received by a Returning Officer, the returning officer shall in the presence of

candidates and/or agents and members of the electoral commission, announce the winner(s).

(a) Once counting is completed, the Returning Officer shall officially announce the results of the elections within 24 hours.

(b) In case of a tie, Returning Officer shall order a recount.

(c) If there is still a tie after a recount, the Returning Office shall declare a new date of a fresh election. Only the tying candidates will contest in such an election.

(d) The Electoral Commission chairperson shall submit to the Dean of Students the names of the elected officials within 24 hours of announcing the election results.

(19) Upon the request of a candidate or agent who was not present when the counting was completed, the Returning Officer may have the votes rechecked and recounted. A candidate shall be entitled to a maximum of two recounts;

(20) The Electoral Commission shall have discretionary powers to make other rules, regulations and procedures to govern elections.

21) (a) The Returning Officer may order the removal of any person who misconducts himself/herself at the polling stations, or fails to obey any lawful instructions or orders of the Returning Officer, and such person shall be removed by the security officer present.

b) A person removed from the polling station under sub regulation (a) shall not re-enter the polling station during the continuance of the poll without the permission of the Returning Officer.

(A) COLLEGE REPRESENTATIVES

The students' organization shall constitute itself into electoral colleges based on either academic departments, Schools or faculties, as captured under Schedule (1) and shall elect three representatives from amongst persons who are not candidates under Article 28(B) and of whom not more than **two-thirds** shall be of the same gender. The representatives of each Electoral College shall elect the members of the Students' Council within thirty days of the election.

(B) The Student Council

1). The elected representatives of each Electoral College shall elect the members of the Students' Council within thirty days of the election.

2). Every Students' Council shall be elected in accordance with this Constitution and its membership shall reflect;

a) national diversity;

b) and not more than two-thirds of its members being of the same gender; the Vice Chairperson being of the opposite gender to the Chairperson

- 3). For purposes of the elections for Students' Governing Council, the venue of the elections shall be at the Main Campus of the University or such a place as may be determined by the University Senate.
- 4). The election shall be by secret ballot, on the principle of one member six votes for the Students Council.
- 5). The ballot boxes shall be transparent, of a fixed number, clearly labeled, counted, certified and recorded
- 6). The elections shall be presided over by the Returning Officer and other appointees that the Dean of Students shall deem necessary.
- 7). Candidates and/or their agents have the right to witness the counting and tallying of votes.
- 8). Each candidate for the SC post shall be allowed to register an agent with the Dean of Students one week before election date. Each candidate shall have an agent at a time inside the polling station.
- 9). Each voter shall be issued with one ballot paper bearing names of all contesting candidate (s) and he/she shall mark in the box against the name of the candidate of choice by either putting a cross (X) or tick (✓). He/she shall then take the ballot paper so as to conceal the vote and put it into the ballot box.
- 10). A voter who is unable to vote owing to disability, impairment restricting the use of his/her hands, or is indisposed may be assisted or supported by a person of the voter's own free choice after permission is sought from the Returning Officer.
- 11). Counting shall be done at the polling station, immediately after voting, by the officials appointed by the Dean of Students in the presence of the candidates and/or their agents.

The Returning Officer shall: -

- a) open each ballot box,
 - b) empty its contents onto the table or any other facility provided for the purpose,
 - c) shall for every ballot paper, announce the candidate in whose favor the vote was cast,
 - d) display to the candidates and/or agents the ballot paper and,
 - e) put the ballot at a place on the counting table, or other facility provided for this purpose.
- 12). Ballot papers shall be rejected during counting if they are not designed for that particular election, marks have been made in respect of more than one candidate per post, marks identifying the voter have been made or they are unmarked.

13). Upon the request of a candidate or agent who was not present when the counting was completed, the Returning Officer may have the votes rechecked and recounted. A candidate shall be entitled to a maximum of two recounts.

14). The Returning Officer shall announce the results within 24 hours of the elections and cause them to be prominently published within the University immediately thereafter.

Article 31: Spoilt Votes

- (i). During counting of the ballot papers, a spoilt vote shall not be tallied on to any of the candidates; and
- (ii). For purpose of this section a spoilt vote shall mean;
 - a) one that is obliterated, or damaged, or ambiguous or illegible that it cannot be deciphered the candidate for whom it was cast,
 - b) any ballot paper not designated for that college or election
 - c) where marks have been made for more than one candidate,
 - d) unmarked ballot papers.

Article 32: Election Offences

- (i). An election offence shall disqualify a candidate.
- (ii). For purposes of this section an election offence includes rigging, use of physical force, intimidation, giving false information, campaigning on the polling day, evidence of external funding intended to influence the outcome of the elections and/or any other act or omission which defeats the tenets of free and fair elections.
- (iii). Any student involved in electoral malpractice will be subjected to the normal university disciplinary procedures.

Article 33: Re-run of elections

- (i). In the event of a tie between the third and fourth candidate and where the first and second candidates on the merit list are already of opposite genders then the Chairperson of the Electoral Commission shall declare a re-run of the election between the tied candidates who obtained a simple majority.
- (ii). When elections are nullified, the Chairperson of the Electoral Commission shall issue notice for a re-run of elections within five calendar days.

Article 34: Dissolution of Electoral Commission.

- (i). The Electoral Commission shall, if there is no petition against election results, stand dissolved, and hand over their returns to the Dean of Students.

- (ii). In the event of a petition against election results by any person, the Electoral Commission shall await to act on the resolution reached by the Independent Electoral Petitions Panel on the said petition before it stands dissolved.

Article 35: Independent Electoral Petitions Panel

(1) There is established an Independent Election Petition Panel, herein after referred to as “The IEPP”.

a) The Panel shall consist of five (5) members appointed by the Students Electoral Commission and shall consist members of the University staff who are not members of Electoral Commission.

b) The Panel shall be constituted of **2 students** and 3 staff members recommended by the Dean of Students in consultation with the Deputy Vice Chancellor in charge of Students Affairs.

c) The Panel shall be constituted five (5) days before the election date.

2) Functions of the **IEPP**.

a) Formulate rules and regulations for proper conduct of its business and the procedures of election petitions.

b) Receive any written petition against the election results within 24 hours of announcement of the election results.

c) Within **Two** days of receiving a petition, uphold or nullify the contested vote and forward a written notification of its judgment to the Electoral Commission.

d) Rulings of the **IEPP** shall be final and binding.

e) If the IEPP does not receive any written petitions within 24 hours then the IEPP stands dissolved.

Article 36: Elections Petitions

1) A petition may be lodged with the **IEPP** by a candidate or any member of MUSO (the petitioner) challenging nominations, campaigns or elections on any of the following grounds:

a) whenever such a candidate or member has reason to believe or has evidence that there has been a contravention of any election rules and procedures during the election period.

b) whenever there is an allegation of bribery, intimidation and/or harassment of voters and or candidate;

c) Whenever there is an allegation that a candidate has otherwise breached this Constitution.

2) Upon receipt of a petition, the Panel shall peruse the petition and if it;

- a) Considers that it is frivolous, malicious or has not disclosed sufficient grounds, it may reject the petition summarily and inform the petitioner of its decision within twenty-four (24) hours;
- b) In apparent that there is a reasonable case to be heard, the chairperson of the Panel shall notify the parties concerned of the lodging of the petition; and parties concerned shall appear before the Panel within twenty-four (24) hours.
- c) The Panel shall, within twenty-four (24) hours after 3(b), make a ruling and forward a written notification of its judgment to the Electoral Commission.
- 4) The **IEPP** shall sit at such places as it may determine from time to time;
- 5) The IEPP shall determine petitions regarding nominations, campaigns and elections expeditiously and in any case within **Two** (2) days;
- 6) During the hearing of petition, all parties shall be present provided that;
 - a) Where a petitioner fails to attend the hearing by himself/herself without any reasonable excuse or prior notification to the IEPP, the respondent may request the IEPP to dismiss the petition.
 - b) Where the respondent fails to attend the hearing by himself/herself without any reasonable excuse or prior notification to the IEPP, the petitioner may be heard in full and a date set for judgment;
- 7) The decision of the IEPP shall be final and binding and shall be submitted to the executive Electoral Commission for execution.

Article 37: By-Elections.

- 1) A by-election shall be held whenever an officer or seat falls vacant by reason of;
 - a) a successful petition;
 - b) cessation of studentship through expulsion from, or discontinuation by the University;
 - c) imprisonment;
 - d) death, or mental infirmity;
 - e) contravention of the provisions of the Kenya Constitution, 2010, the Anti-Corruption and Economic Crime Act, 2003 (2016 Revised Edition) or any other law of the land;
 - f) resignation or suspension from the University for a Period longer than ninety (90) days.
- 2) The by-election shall normally take place within sixty (60) days of the office or seat falling vacant, and shall follow the same procedure for elections as provided in this Constitution.
- 3) No by-election shall be held ninety (90) days prior to the next General Election.

4) Where the seat of a member of the Students' Council falls vacant, The Student Council shall appoint another member from among themselves in an acting capacity for the vacant seat, subject to the approval of the Congress.

5) In the event a vacancy is created in the office of Congress in the normal course of its functions:-

(a) Congress shall sanction a by-election for purpose of filling in the vacancy: or

(b) depending on the prevailing circumstances at the time, Congress shall provide a clear direction.

Article 38: Swearing In

1) The elected officials shall be sworn in by the University's Legal Officer within a fortnight from the date results are announced.

2) The swearing-in ceremony shall take place in the Students Centre within the University within 8.00am and 6.00pm or as determined by University Senate.

3) Elected officials shall take office immediately upon being sworn in.

Article 39: Transition.

(i). Within three working days after the election results are announced, the Dean of Students shall organize, oversee and preside over the handing over of instruments of office from the outgoing members of the Students' Governing Council to the newly elected members of the Students' Council.

(ii). Newly elected members to the Students' Council shall be inaugurated to office, in a ceremony held in public within the University by the Vice Chancellor within two weeks after the handing over of the instruments of office as provided in subsection (1) here above.

CHAPTER SEVEN: MISCELLANEOUS

Article 40: By-Laws

A:

- (i). Subject to this Constitution, every by-law and/or policy to govern the functions of MUSO, shall be drawn by the Students' Council and be approved by Congress provided, however, that such by-laws or policy is not in any way contradictory or inconsistent with any section of this Constitution.
- (ii). Any member of Congress may initiate a by-law and/or policy in Congress
- (iii). Any by-law and/or policy passed by Congress shall be binding to all organs and MUSO members; and violation thereof shall invite disciplinary measures as provided herein.
- (iv). The seal of MUSO will not be used without the authority of the SC.
- (v). In this constitution "he" whenever used denotes both genders.
- (vi). The Organization or its members shall be capable of suing and being sued.

B: Students' Academic Leave for SC Officials

- 1) Only the Presiding Chairperson and the Secretary General among the members of the SC, may at their own discretion, apply for a Students' Academic leave or reduced number of course units offered in any semester to reduce the academic work load during one's term in office in order to serve students, provided that such a decision shall receive the assent of the following interested parties whichever is/are applicable:-
 - (a) University senate,
 - (b) Parent/ guardian,
 - (c) The sponsor, and
 - (d) such a member shall not have taken a Students' Academic leave before.

Article 41: Alteration of laws

- (i). The proposal for alteration of the MUSO Constitution shall be submitted in writing to the Secretary General of the Organization and to all interested parties through public notices endorsed by one third (1/3) of the members of the Organization one month before the meeting is convened to discuss the alteration.
- (ii). This Constitution can only be altered by a resolution supported by 65% of the members, after approval of at least 75% of the members of Congress.

- (iii). Subject to the provisions of this Constitution, the by-laws and rules approved by Congress and the schedules annexed hereto may be altered by the Students' Council upon approval by two-thirds of members of Congress.
- (iv). In this section references to the alteration of the constitution, by-law, schedule or rule are references to the amendment, modification, suspension or repeal of any provision in this Constitution, by law, schedule or rule.

Article 42: Affiliation

MUSO shall not be an affiliate to any political organization within and outside Kenya, but it may, however, work with such Organizations as professional clubs, unions and societies as shall be approved by Congress.

Article 43: Dissolution of MUSO

- (i). The proposal of dissolution of the Organization shall be submitted, in writing to the Secretary General of the Organization and all interested parties through public notices endorsed by one third (1/3) of the members of the Organization, one month before the meeting is convened to discuss the dissolution. The grounds raised by the members should be of great concern and it is up to the University Council to determine the validity of the concern.
- (ii). The Organization shall be dissolved by a resolution supported by not less than 85% of the members present in the meeting provided, however, that the quorum for such meetings shall be 65% of the total membership of the Organization
- (iii). In the event MUSO is dissolved, its assets shall be released to pay its creditors and the remaining assets handed over to the University for safe-keeping.
- (iv). Upon the dissolution of MUSO, this Constitution shall become null and void.

Article 44: Students' Welfare Committee

- (i). The Students Welfare Committee shall be composed of Deputy Vice Chancellor in charge of Student affairs, the University Finance Officer, the Legal Officer, the Dean of Students, University Chaplain and three MUSO members.
- (ii). The Students' welfare committee shall determine Monthly Allowance for Governing Council members and upon dissolution of this constitution: -
 - (a) organize and evaluate the assets of MUSO
 - (b) pay creditors

- (c) Hand over the remaining assets to the University for safe-keeping.

Article 45: Interpretation of the constitution

- (i). This constitution is based on the ultimate supremacy of Moi University with regard here-in and this constitution shall be interpreted in a manner that:-
 - (a) promotes the tenets of good education; and
 - (b) permits the creative development of the students; and
 - (c) avoids technicalities which defeat the purpose of this constitution; and
 - (d) advances the preamble statement of this Constitution.

Article 46: Discipline

For purposes of this Constitution,

- (i). discipline shall mean compliance to the rules for proper conduct as embodied in this Constitution, by-laws and rules as shall be formulated from time to time by the relevant authority, Students Handbook, the University Act, and the Statutes of Moi University.
- (ii). discipline among members in the conduct of the affairs and operation of MUSO shall be enforced by the Students' Council.
- (iii). Any member, other than office bearers, accused of not adhering to discipline shall be summoned in writing to appear before the Students' Council within one week of the accusation being reported in the company of not more than two persons of his/her choice and shall be entitled to a fair hearing; and in the event such a person fails to appear before the Students' Council without any reasonable justification for his/her failure, then the Students' Council shall proceed thirty minutes after the stated time of the commencement of the meeting, to subject him to any of the decisions they resolve in his absence.
- (iv). Any member or office bearer found to be in violation of the provisions of this section shall, depending on the extent of the violation, be subjected to:-
 - (a) warning shall be issued to any one member or office bearer, on occasions not exceeding two; or
 - (b) financial penalty of an amount, in compensation for damage caused as a result of the violation, as determined by the Students' Council or
 - (c) a combination of both paragraphs (a) and (b) here above.
- (v). A member or an office bearer, dissatisfied with the resolutions of the Students' Council under this section paragraph three (3) shall have the right to make a written appeal within two weeks to the Congress through its Secretary and he/she

shall have the right to a fair hearing, and the decision of the Congress thereafter shall be final, binding and conclusive.

(vi).

- (a) No member may sit in an authority that is considering whether such member is innocent or otherwise.
- (b) No person shall arrogate to any authority to oneself, which does not emanate from this Constitution.
- (c) A person or authority interpreting this Constitution may refer to matters and/or facts, which will assist in the purposive interpretation of this Constitution.

Article 47: Definition of Terms

(i). Unless, expressly otherwise, provided in the constitution:-

- (a) references to the ‘academic year’ are references to the period from last day of the second semester of the academic year (as prescribed by the University Council) to the last day of the next following second semester of the academic year; and
- (b) references to the ‘University’ are references to Moi University as established by the Laws of Kenya; and
- (c) references to ‘office bearers’ are references to any person elected or nominated to hold a position of authority and responsibility as provided in this Constitution; and
- (d) references insinuating a male person, are references to either male or female person, as the situation may be at the time; and
- (e) references to the ‘Dean of Students’ are references to the Dean of students
- (f) references to a ‘calendar day’ are references to a day in the week including weekends and public holidays; and
- (g) references to a ‘working day’ are references to a day in the week except any day that falls on a Saturday and/or Sunday and any day that is declared a national public holiday.
- (h) reference to ‘Chairperson’ are references to either man or woman
- (i) reference to ‘congressman’ are references to either man or woman

CHAPTER EIGHT: TERMINATION OF OFFICE

Article 48: Expiry of term of office

- 1) The Students' Governing Council shall be dissolved at the expiry of the term of office.
- 2) The term of office for all officials shall be one calendar year, that is, the same month after one calendar year of election.
- 3) In the event of failure to hold elections as required by this Constitution, the Dean of Students in consultation with the University Management Board will, decide on the next election date and communicate the same within thirty (30) days.

Article 49: Cessation of MUSO

In the event of *dire threat* to the operations of the University, the University Council may call for the cessation of MUSO in consultation with the Students' Council itself.

Article 50: Amendment

- 1) Any member of MUSO may propose an amendment to this Constitution by bringing to the Congress for discussion to amend the Constitution.
- 2) The meeting to discuss an amendment(s) shall have a quorum of two-thirds ($\frac{2}{3}$) of the Congress members.
- 3) Any amendment to this Constitution shall be effected when approved by at least two-third ($\frac{2}{3}$) majority of the MUSO members in a referendum to be conducted by the Dean of Students.
- 3) Any amendment to this Constitution shall be effected when approved by at least three (3) years upon its implementation. Subsequent amendments shall only be undertaken bi-annually.

Article 51: By-Laws

- 1) Subject to this Constitution, the Students' Council shall prepare by-laws and policies governing the functions of MUSO and submit them to Congress for approval.
- 2) By-laws and policies approved by Congress shall be binding on all members of MUSO violators of these by-laws and policies shall be subject to the disciplinary measures provided for in this Constitution.
- 3) Any member of the Congress may propose a by-law or policy that he/she shall submit to the relevant congressional committee for discussion which if approved by that committee will be tabled in Congress.
- 4) Any member of Congress may propose amendments to existing by-laws, policies, and the various schedules annexed to this Constitution.

Article 52: Honoraria

At the end of the term, MUSO Students' officials shall be paid honoraria per official. These honoraria shall be determined by the University Management Board.

Article 53: Transitional provisions

- 1) This Constitution shall come into effect once it has been approved by MOI University Council.
- 2) Upon enactment of this Constitution, the Constitution of Moi University Students' Organization {Revised in 2001 (2nd edition)} shall immediately cease to apply.
- 3). There shall be a transition period to provide for full implementation of either this Constitution or any amendment made to this Constitution.
- 4). Where under this Constitution, the organization is required to make/ change articles, rules or regulations, the existing ones shall apply until such a time as when the organization makes other articles/ rules or regulations.

SCHEDULES

SCHEDULE 1: STRUCTURE OF THE COLLEGES

Delegates will be elected from the following colleges.

- 1) At main campus (three (3) colleges)
 - a) School of Education, Business & Economics (College 001)
 - b) School of Arts & Social Sciences and Information Science (College 002)
 - c) School of Biological & Physical Sciences and Engineering (College 003)
- 2) Annex Campus (College 004)
- 3) Town Campus (College 005)
- 4) College of Health Sciences (College 006)
- 5) West Campus (College 007)
- 6) Kitale Campus (College 008)
- 7) Nairobi Campus (College 09)
- 8) Coast Campus (College 010)
- 9) Odera Akang'o (College 011)

SCHEDULE 2: MEMBERSHIP AND SUBSCRIPTION FEES

Membership Category	Membership Category	Subscription Fee (Paid once per academic year)
Ordinary Member	Determined by the Students' Welfare Committee and ratified by Moi University Senate	Determined by the Students' Welfare Committee and ratified by Moi University Senate

SCHEDULE 3: FINANCIAL BENEFITS OF OFFICE BEARERS

Office

M. A.

Chairperson	As to be determined from time to time by the
Vice-Chairperson	students' welfare committee in consultation
Secretary General	with the Dean of Students
Finance Secretary	“
Academics Secretary	“
Co-curricular Activities Secretary	“
Special needs and social affairs secretary	“

Allowances:

- (a) There will be no sitting allowance for any official
- (b) Members of the governing council shall receive their allowances from the current assets and the returns on the investment of MUSO.
- (c) No office bearer will be entitled to receive allowances for more than one office.

SCHEDULE 4: OATH OF ALLEGIANCE

Every member elected to an Executive position shall take the following oath of allegiance.

Oath of Solemn Affirmation of Due Execution of Office

I.....having been elected as the
of the Moi University Students Organization (MUSO) do hereby swear and pledge that, I shall uphold and defend the constitution of MUSO, and shall seek to defend and respect the democratic-rights and liberties of all MUSO members. I shall conscientiously exercise my duties with 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 executive 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.

NAME	REG. NO.F.NO:	SIGN	DATE
1. STUDENT; _____	_____	_____	_____
2. LEGAL OFFICER _____	_____	_____	_____
3. WITNESS _____	_____	_____	_____

DEAN OF STUDENTS

Oath / Affirmation of Members of Congress

- (i). I.....having been elected as a member of the Congress do solemnly affirm that I will obey, respect, uphold, preserve, protect and defend the Constitution; and that I will faithfully and conscientiously discharge the duties of a member of Congress.

SCHEDULE 5: TRANSITIONAL ARRANGEMENTS

- (i). All rights, duties, obligations, assets and liabilities of MUSO existing immediately before the adoption of this Constitution shall be deemed to be transferred to MUSO upon adoption of this Constitution.
- (ii). This Constitution will come into force immediately it is approved by the University Council subject to the provisions of this schedule.
 - a) All existing offices immediately before the coming into force of this Constitution shall continue to execute and exercise their authority and responsibility until the next general elections held under this constitution provided that the MUSO officers currently in office have no power to alter or amend this constitution before the general elections are held under this constitution.
 - b) Any new office created in this Constitution shall only be affected by operation of law through the first General Elections held under the provision of this Constitution.
- (iii). There is created the MUSO constitutional transitional committee to be constituted of;
 - (a) The Deputy Dean of Students who shall preside over as its chairman and convener; and
 - (b) All members of the outgoing Students' council, none of whom will be a candidate for the first elections held under this constitution; and
- (v) The Constitutional Transitional Committee will constitute immediately this constitution is adopted by the University Senate and will stand dissolved one week after the inauguration and the first sitting of the first Moi University Students' Governing Council elected under this constitution.
- (vi) The Constitutional Transitional Committee shall be established to:-
 - (a) oversee the initial implementation of the new constitution;
 - (b) oversee the handing over of office from the current structure to the new structure; and
 - (c) assist in drafting provisional rules and regulations for the operations of the Moi University Students' Council in its subsequent meetings; and
 - (d) assist in providing direction in the manner of executing official functions of the offices under the old structure in line with the provision of the new Constitution; and
 - (e) keep the various stakeholders in the university updated of the developments in the implementation of the new constitution; and
 - (f) ensure the university organs are adequately informed of the new administrative and organizational structure of MUSO; and

- (g) to facilitate awareness and education among the general students' population of the changes and effects of the changes provided in this constitution with regard to the Organization and Structure of MUSO.
- (vii) The Constitutional Transitional Committee shall attach two members each to the Electoral Commission organizing the first elections held for the first time under this Constitution as ex-officio members and two other members to the elections appeals committee as ex-officio members.
- (viii) The Constitutional Transitional Committee's mandate shall cease upon the inauguration of Moi University Students' Council and after its sitting provided that if any issue arises, it may be reconstituted as an ad-hoc committee for the purpose of those issues that may arise.

SCHEDULE 6: COMMITTEE OF THE CONSTITUTION.

Name	Title	Sign	Date
1. Prof. Nathan O. Ogechi	Chairman (DVC students Affairs)	_____	_____
2. Dr. John Ayieko	V/Chairman (Dean of students)	_____	_____
3. Mr. Mwalo Remson	Secretary/Secretary General (30 th SGC)	_____	_____
4. Dr. Alice Mutai	Member (Snr. Ass. Dean of Students)	_____	_____
5. Mr. Weloba Solomon	Member/Chairperson (30 th SGC)	_____	_____
6. Mr. Thuku Mburu	Member/Secretary General (30 th SGC)	_____	_____