



**STUDENTS
ASSOCIATION
OF
MACHAKOS
UNIVERSITY
(SAMU)**

**CONSTITUTION
2019**



Contents

DEFINITION OF TERMS.....	4
PREAMBLE.....	5
CHAPTER 1.....	6
NAME AND PURPOSE.....	6
Article 1. Name	6
Article 2. Office of SAMU	6
Article 3. Objectives of SAMU	6
CHAPTER 2.....	7
MEMBERSHIP.....	7
Article 4. Ordinary Membership	7
Article 5. Associate Membership.....	7
Article 6. Rights, Privileges, and Duties of Members	7
Article 7. Obligations of Members	7
Article 8. Termination of Membership.....	7
CHAPTER 3.....	8
LEADERSHIP OF THE ASSOCIATION	8
Article 9. Administration of SAMU Governing Council.....	8
Article 10. Governing Council	8
Article 11. Duties and Responsibilities of the Council	8
Article 12. Authority and Responsibility of the SAMU Council	11
Article 13. Satellite Campus Leadership Committee	12
Article 14. Authority and Responsibility of Satellite Campus Leadership Committee.....	12
Article 15. Duties and Responsibilities of Satellite Campus Leadership Committee	12
Article 16. The Congress.....	13
Article 17. Liabilities of the SAMU Council and the Congress	15
Article 18. Vacation of Office.....	15
CHAPTER 4.....	16
MEETINGS.....	16
Article 19. Establishment	16
Article 20. Annual General Meeting (AGM).....	16
Article 21. Agenda of Annual General Meeting	16
Article 22. Special General Meeting (SGM).....	16
Article 23. Quorum for General Meetings.....	17
Article 24. Supreme Authority	17
CHAPTER 5.....	18
SAMU COUNCIL COMMITTEES	18
Article 25. Establishment	18
Article 26. Academic Committee	18



Article 27. Sports and Entertainment Committee.....	18
Article 28. Clubs and Societies Committee.....	18
CHAPTER 6.....	20
ELECTIONS.....	20
Article 29. Date and Time of Elections	20
Article 30. Eligibility to Vote.....	20
Article 31. General Rules of Elections.....	20
Article 32. Voting System.....	21
(i). Manual Voting System	21
(ii) I-Voting System	22
Article 33. Spoilt Votes.....	23
Article 34. Election Offences	23
Article 35. General Qualifications for Candidature.....	24
Article 36. Independent Electoral Commission of MksU (IECM)	24
Article 37. Eligibility of Membership to the IECM	25
Article 38. Membership of IECM	25
Article 39. Swearing in of IECM Officials.....	25
Article 40. Vacation of Office of IECM.....	26
Article 41. Functions of the IECM.....	26
Article 42. Dissolution of SAMU Elective Posts.....	27
Article 43. Nomination Procedure for Elective Post	27
Article 44. Election Procedure.....	27
Article 45. Special Cases During Elections.....	27
Article 46. Independent Election Petition Panel.....	28
Article 47. Election Petitions.....	28
Article 48. Swearing-In	28
Article 49. Assumption of Office/ Appointment	29
Article 50. Impeachment/ Recalling/ Removal from office for an Elected Congress Member	29
Article 51. Vote of No Confidence	30
CHAPTER 7.....	31
FUNDS.....	31
Article 52. Associations Funds.....	31
Article 53. Management of the SAMU Funds	31
Article 54. Allowances	32
Article 55. Support to Needy Students.....	32
Article 56. SAMU Investment Committee	32
Article 57. Role of SAMU Investment Committee.....	32
CHAPTER 8.....	33
Article 58. Interpretation.....	33
Article 59. Amendment of the Constitution	33
Article 60. Review.....	33
Article 61. Transition	33
Article 62. Entitlement	34
Article 63. Oath of Allegiance to this Constitution	34

DEFINITION OF TERMS

Academic Year - A period of study consisting of two semesters.

Annual General Meeting (AGM) – A meeting of Student Association of Machakos University (SAMU) held annually as required by the Constitution.

Bona Fide member – any student who has paid SAMU registration and/or subscription fee.

Books of Accounts: Refers to balance sheet, income statements, on sources and use of funds.

Calendar Year – The amount of time between the beginning of first day of February and the end of the last day of January in the Gregorian calendar (365 days, or 366 days in a leap year)

Clerk: An ex-officio member of the Congress and elected officer of SAMU whose primary duty is to act as the chief record keeper for the SAMU Congress.

Congress – Group of elected student leaders comprising representatives of electoral colleges.

Co-signatory – One or two of signatories of the same document.

Electoral Colleges - Group of students that elect the SAMU council, and are constituted on the basis of Departments, Schools, or as may be appropriate under the guidance of the Dean of Students.

Executive: Group of elected student leaders, with the responsibility to manage student affairs, and with authority to make decisions, within the boundaries of SAMU Constitution. It comprises Chairperson, Vice-Chairperson, Treasurer and Secretary General.

I-voting – Remote voting via internet (also known as e-Voting) where a voter casts his /her vote electronically to the election authorities, from any location.

Machakos University Statutes – Rules enacted by the Machakos University Council for the governance of the University.

Main Campus – The grounds and property of Machakos University where the central administration is located (along Machakos - Wote road)

Persons living with disability – People with any physical, sensory or any other impairment condition or illness that has or is perceived by significant sectors of the community to have a substantial or long term effect on the individual's ability to carry out ordinary day to day activities.

Referendum - A popular vote by the SAMU members on constitutional amendment that has been referred to them for a direct decision

Registered Student – Students of Machakos University who have duly reported and paid full school fees including those on assessable attachment.

Satellite Campus – a branch of the Machakos University that is physically a distance from the main campus.

Secret Ballot – A method of voting that ensures that all votes are cast in secret so that the voter is not influenced by any other individual(s) and at the time of voting no one else knows who the voter chose. Secret ballot shall be done either manually or through I-voting

Semester - A period of study consisting of fourteen to sixteen weeks each of an academic year.

Speaker: An ex-officio member of the Congress and an elected member of SAMU whose primary duty is to act as the presiding officer of the SAMU Congress

Staff - A person who is employed on either contract, or on permanent and pensionable terms at Machakos University.

Standing Orders: Rules and regulations governing the performance and proceedings of the Congress.

Student - Any person enrolled in Machakos University for the purpose of obtaining academic or professional training and a holder of a valid registration number for a period of his or her study and/or as may be determined by the Senate.

Students Governing Council (SGC) – It is the ruling body of Students Association of Machakos University (SAMU) comprising the Executive and Secretaries.



PREAMBLE

We the students of Machakos University, hereinafter referred to as MksU;

RECOGNIZING that we have a constitutional right of freedom of assembly, Association and expression and thus capable of joining this Association as enshrined in the Constitution of Kenya, the Universities Act and the Machakos University Statutes.

RECOGNIZING that MksU as a Public University plays a leading role in teaching, research innovation and community service is an efficient and functional institution that produces self-reliant graduates who are trained to adopt ethical standards and the best practices, as well as play an effective role in harnessing the knowledge acquired to further develop our country.

GUIDED by the Machakos University core values (Integrity, honesty, team work, professionalism, responsibility, creativity, trust), principles, reason, courtesy and genuine search of all virtues to live in comradeship, peace and develop a salubrious concord with other student bodies, person(s), institutions and all who believe in the ideals of justice, equality and truth.

ACKNOWLEDGING that, Machakos University has set structures regulating governance and management of the University and hereby abides to respect the authority.

ACKNOWLEDGING that Machakos University is a diverse and multi-disciplinary University with various Schools, Departments, Sections all offering different programs.

ACKNOWLEDGING that, the students in various disciplines have unique and diverse needs, and concerns which need to be addressed, in order to foster the observance of the shared goals and ideas of the University student community.

ACKNOWLEDGING that, the values of transparency, accountability and respect for the rights of students and social justice must be institutionalized in one system of Association so as to ensure that democracy is enjoyed by all students in pursuit of academic and social welfare, peace, prosperity and integrity.

APPRECIATING that, this Association is not political.

We the students of Machakos University hereby come together in free will to establish this Constitution for the purpose of expressing our ideas, beliefs, concerns and activities of this University.

We further declare, adopt and bind ourselves by this Constitution as the Constitution of the Students Association of Machakos University (SAMU) and its guiding spirit in all matters appertaining to it.



CHAPTER 1

NAME AND PURPOSE

Article 1. Name

The name of the Association shall be Students' Association of Machakos University (SAMU).

Article 2. Office of SAMU

The SAMU head office shall be located at the main campus of Machakos University; whose address shall be P. O. Box 136-90100 MACHAKOS.

Article 3. Objectives of SAMU

The main objectives of SAMU shall be to:

1. Protect the individual and collective rights of MksU students;
2. Promote students' welfare and safeguard their rights and freedoms.
3. Provide meaningful address of student concerns and perspectives through the principle of democratic representation.
4. Seek and undertake representation and/or participation in organs of the University.
5. Foster observance of shared goals and ideals of MksU students.
6. Promote mutual exchange of ideas in the fields of education, research, innovation, and community service.
7. Create ways and means through which leadership qualities and talents are nurtured.
8. Develop positive attitude towards the community through participation in community service and/or giving back to the community.
9. Raise funds through legal and university approved means in order to sustain students' activities.
10. Inculcate a sense of corporate responsibility among students.
11. Enhance leadership and management skills and competences among the students.
12. Encourage the interaction of students of different cultures, creed, religion, and races.

CHAPTER 2

MEMBERSHIP

SAMU shall have two categories of membership:

1. Ordinary Membership
2. Associate Membership

Article 4. Ordinary Membership

Ordinary membership to SAMU shall be open to any person enrolled in Machakos University for the purpose of obtaining academic or professional training and a holder of a valid registration number for a period of his or her study and/or as may be determined by the Senate.

Article 5. Associate Membership

All those students of other Universities and Colleges who at a particular time shall be at Machakos University for student exchange programme shall be associate members by default.

Article 6. Rights, Privileges, and Duties of Members

1. Subject to the provisions of this constitution, only Ordinary Members are eligible to seek election to any office or position established in this constitution and to vote at SAMU elections.
2. Any Ordinary Member may petition the Secretary General to call a General Meeting as long as such petition is supported by at least one quarter (1/4) of the registered members.
3. An Associate Member shall not be eligible to seek election to any office or position established under this constitution nor to vote at SAMU elections.
4. A member shall have the right to access all relevant information relating to affairs of the Association including books and records of accounts, and minutes of meeting in so far as it shall be reasonable and with sufficient notice.
5. Any member shall have the right to take part in all legal, valid and legitimate activities organized and run by the Association for its members.

Article 7. Obligations of Members

1. Every member of SAMU shall be required to respect all the offices of the Association established in this Constitution and their decisions.
2. Every member shall abide and bind oneself by the letter and spirit of this Constitution.
3. Every member owes an obligation to uphold the dignity of the University through the Association activities that shall lead to the achievement of its clear mandate.

Article 8. Termination of Membership

Membership shall cease where one:

1. Completes course of study at the University apart from those who subsequently continue uninterrupted to the next level of study at the University.
2. Ceases to be a student occasioned by death, expulsion, transfer or discontinuation by the University.
3. Is disqualified under any written law/ regulation.
4. Returns to Parent University in case of an Associate Member.



CHAPTER 3

LEADERSHIP OF THE ASSOCIATION

Article 9. Administration of SAMU Governing Council

The Association shall be administered by the SAMU Governing Council (SGC) whose membership shall be drawn solely from the MksU main campus, and shall have delegated authority to the Satellite Campuses Leadership Committee whose jurisdiction shall be limited to the Satellite Campuses. Once elected the SGC shall serve for a maximum period of 12 months with respect to the date stipulated in the Constitution (Refer to Article 29).

Leadership of the association shall be at three levels, namely,

1. Governing Council
2. Satellite Campus Leadership Committee
3. Congress

Article 10. Governing Council

The overall and coordinating organ of the Association shall be the Governing Council, which shall consist of:

1. Chairperson
2. Vice-Chairperson – who shall be of opposite gender with the chairperson and running mate to the chairperson.
3. Secretary General – who shall be secretary to the Council
4. Treasurer
5. Academic Secretary (reserved for female)
6. Sports and Entertainment Secretary
7. Gender and Special Programme Secretary – (reserved for person living with disability)

Article 11. Duties and Responsibilities of the Council

A). Chairperson

There is established the office of the Chairperson under this constitution who shall be elected based on provisions of this constitution and who shall be the Chairperson of the SAMU Council, the overall leader of the students.

Role of the Chairperson

1. Preside over the ordinary, special and executive meetings of the Student Governing Council.
2. Be a member of University Senate, non-academic student disciplinary committee, Research, Innovation and Linkages committee, and any other committee as per the University Statutes.
3. Be signatory to SAMU accounts and any other account established by the Association.
4. Facilitate the existence of cordial relationship between the Association, University



- Administration, Student Governing Council, Congress, and members of the Association.
5. To ensure that all the association committees have cordial relations among themselves; that their goals articulate the policies of the Association; and they shall bear responsibility and accountability for their operations.
 6. Uphold and protect the SAMU Constitution.
 7. Serve as a member of the SAMU Bursaries and Tuck Shop Allocation Committees.
 8. Address the inauguration of the newly elected SAMU Governing Council and Congress.

B). Vice-Chairperson

There is established the office of the Vice-Chairperson under this constitution who shall be elected based on provisions of this constitution and whose role shall be as provided hereunder.

Role of the Vice-Chairperson

1. Shall be Principle Assistant to the Chairperson.
2. Exercise the duties of the Chairperson in the absence from office or in his/her inability to act.
3. Act as the official internal affairs officer of the Association including internal security matters.
4. Represent SAMU in the University Security Committee.
5. Ensure security of the University and Association's property and orderliness during entertainment events organized or hosted by the University in conjunction with the University Security.
6. Ensure conducive and secure environment within the University environment.
7. Report any damages of the University property to the relevant authority.
8. Address the issues affecting the non-resident students.
9. Shall be a member of the SAMU Bursary Allocation Committee.
10. Perform any other duties as may be delegated to him/ her by the Chairperson.

C). Secretary General

There is established the office of the Secretary General under this constitution who shall be elected based on provisions of this constitution and whose role shall be as provided hereunder.

Role of the Secretary General

1. Be secretary of the Executive and Student council.
2. Oversee and maintain all minutes, correspondences and records of the Association.
3. In consultation with the Chairperson and members of the Executive in general, draw the agenda for the Association meetings and to issue notices of such meetings.
4. Maintain correspondences to and from the SAMU Office.
5. Be responsible for the circulation of relevant information and general communication to the members of the Association through notices and announcements.
6. Be signatory to SAMU accounts and any other account established by the Association.
7. Make available to the Chairperson all documents and reports relating to matters to be discussed at the Annual General meeting.
8. Supervise all functions of the SAMU working committees.
9. Serve as a member of the SAMU Bursaries and Tuck Shop Allocation Committees



D). Treasurer

There is established the office of the Treasurer under this constitution who shall be elected based on provisions of this constitution and whose role shall be as provided hereunder.

Role of the Treasurer

1. Accept subscriptions and donations in the name of the Association with the approval of the Executive Committee.
2. Be a mandatory signatory to all withdrawals from the students' accounts.
3. Submit an up-to-date statement of accounts and reports indicating income and expenditure for each academic semester for approval by the Student Council.
4. Ensure that all books of accounts, and are made available for inspection by any interested SAMU member at reasonable time, provided that a written notice has been given thirty (30) days in advance to the Treasurer.
5. Keep a detailed account of receipts and prepare a financial statement for the Congress and/ or Annual General Association meeting.
6. Shall be a member of the SAMU Bursary Allocation Committee and Chairperson of Tuck Shop Allocation Committee.

E). Academic Secretary

There is established the office of the Academic Secretary under this constitution who shall be elected based on provisions of this constitution and whose role shall be as provided hereunder.

Role of the Academic Secretary

1. Address issues directly arising from academic interests of members.
2. Advocate for the provision of quality academic facilities, resources and services for effective academic programmes at the University.
3. Liaise with library personnel to ensure high standards are set and maintained in the provision of academic and library services.
4. Sensitize students on University related policies, procedures and regulations.
5. Present to Dean of Students proposals on career, work-study and academic exchange programmes of the University.
6. Liaise and work with the University administration in academic matters.
7. Chair SAMU academic committees.

F). Sports and Entertainment Secretary

There is established the office of the Sports and Entertainment Secretary under this constitution who shall be elected based on provisions of this constitution and who's role shall be as provided hereunder.

Role of Sports and Entertainment Secretary

1. Custodian of correspondence in relation to recreation and entertainment events previously held or to be held in the University.
2. Organize and host entertainment approved by the University Management.
3. Ensure safe custody, maintenance, and exhaustive inventory of all entertainment equipment belonging to the Association.



4. Submit budget for hosting entertainment events to the SAMU Governing Council accompanied by financial documents in support thereof. Such budget should be endorsed by the Student Council.
5. Receive and handle recommendations or complaints regarding entertainment within the University.
6. Update the Student Council on any matter related directly or indirectly to entertainment of members of the Association.
7. Be directly answerable to the Student council on any matter directly or indirectly related to entertainment and sports of members of the Association.
8. Be Chairperson of the Entertainment Committee of the Association.
9. Assist the University Sports Coordinator in the promotion and coordination of sports and games.

G). Gender and Special Programmes Secretary

There is established the office of the gender and Special Programmes Secretary under this constitution who shall be elected based on provisions of this constitution and who's role shall be as provided hereunder.

Role of Gender and Special Programmes Secretary

1. Present members with special needs to the Council
2. Be in charge of the welfare and all matters of the students living with disabilities.
3. Keeping up-to-date records of the population of students living with disabilities in the University.
4. Promote gender equity in the university and liaise with relevant Directorate(s) in disseminating information among members about university's gender and sexual harassment policies and other relevant policies.
5. Advise SAMU on ways of implementing progressive National and International Policies regarding students living with disabilities in the University.
6. Co-ordinate related activities of students living with disabilities.
7. Receive and record requests and grievances related to welfare affairs from students living with disabilities and forward the same to SAMU Council for deliberation and appropriate action.
8. Represent SAMU in all matters on social welfare, special needs and other related issues.
9. Receive and record request for financial assistance by students living with disabilities as per SAMU Constitution.
10. Serve as a member of SAMU bursaries and Tuck Shop Allocation Committees

Article 12. Authority and Responsibility of the SAMU Council

1. Uphold and protect the SAMU Constitution
2. Determine the general policies of the Association.
3. Be responsible for the day today running of SAMU.
4. Oversee and plan, in consultation with the Congress and Dean of Students, students' activities for the promotion of welfare of all students.
5. Draw to the attention of the Dean of Students on special needs from particular students.
6. Undertake such other functions as provided in its governance instruments as approved by the University Management Board.



Article 13. Satellite Campus Leadership Committee

1. The Satellite Campus Leadership Committee shall comprise of three members who shall be elected by the Electoral College representatives at every campus.
2. The Satellite Campus Leadership Committee shall compliment the role of SAMU Council in their respective campuses and may include other additional responsibilities as may be deemed appropriate by SAMU Council.
3. The Satellite Campus Leadership Committees shall exercise authority in consultation with the SAMU Council under the guidance of the Dean of Students.
4. The Satellite Campus Leadership Committees shall have jurisdiction strictly within their respective campuses.
5. The Satellite Campus Leadership Committee shall consist of the following members:
 - a) Chairperson
 - b) Secretary (which position shall be reserved for opposite gender and running mate to chairperson)
 - c) Welfare Secretary

Article 14. Authority and Responsibility of Satellite Campus Leadership Committee

1. Uphold and protect the Constitution of the Association.
2. Oversee and plan, in consultation with the Congress and Dean of Students, students' activities for the promotion of welfare of all students in their respective campuses.
3. Draw to the attention of the SAMU Council where necessary, special needs from particular students in the satellite campus.
4. Offer suggestion to the SAMU council on matters affecting the well-being of students.
5. Undertake such other functions as approved by the SAMU Council.

Article 15. Duties and Responsibilities of Satellite Campus Leadership Committee

A). Satellite Campus Chairperson

There is established the office of the Satellite Campus Chairperson under this constitution who shall be elected based on provisions of this constitution and whose role shall be as provided hereunder.

Role of Satellite Campus Chairperson

1. Shall uphold and protect the SAMU Constitution
2. Ensure that SAMU Council policies are implemented in satellite campus.
3. Chair Satellite Campus Leadership Committee meetings.
4. Attend Student Council and Special meetings on invitation.
5. Serve as a liaison officer between the Satellite Campus and the SAMU Council on matters concerning students' welfare.
6. Ensure smooth transition of Satellite Campus Leadership Committee.
7. Perform any other duties as may be assigned by the SAMU council.

B). Satellite Campus Secretary

There is established the office of the Satellite Campus Secretary under this constitution who shall be elected based on provisions of this constitution and who's role shall be as provided hereunder.



Role of Satellite Campus Secretary

1. Be secretary of the Satellite Campus Leadership Committee.
2. Be in liaison with the Chairperson of the Satellite Campus.
3. Oversee and maintain all minutes, correspondences and records of the Satellite Campus Leadership Committee.
4. In consultation with the Chairperson Satellite Campus Leadership Committee, draw the agenda for the meetings and issue notices of such meetings.
5. Maintain correspondences to and from the Satellite Campus.
6. Be responsible for the circulation of relevant information and general communication to the members of the Satellite Campus through notices and announcements.
7. Advocate for the provision of quality academic facilities, resources and services for effective academic programmes at the Satellite Campus.
8. Perform any other duties as may be assigned by the SAMU council.

C). Satellite Campus Welfare Secretary

There is established the office of the Satellite Campus Welfare Secretary under this constitution who shall be elected based on provisions of this constitution and who's role shall be as provided hereunder.

Role of Satellite Campus Welfare Secretary

1. Be in charge of welfare and all matters of all students in the Satellite Campus.
2. Be responsible for both entertainment and sports within the satellite campus.
3. Attend meetings of the Satellite Campus Leadership Committee.
4. Any other duties as may be assigned by the Satellite Campus Leadership Committee Chairperson.

Article 16. The Congress

There is established the Congress under this constitution whose members shall be as provided hereunder.

- a) Speaker
- b) Clerk
- c) Electoral Colleges Representatives, elected in accordance with Chapter 6 of this Constitution.

A) Duties, Roles and Responsibilities of the Congress

1. Uphold and protect the SAMU constitution.
2. Debate and approve SAMU policies, proposals and decisions tabled by the SAMU Governing Council.
3. Monitor the implementation of Congress resolutions by the Governing Council.
4. Review the conduct of SAMU Governing Council.
5. Hear and discuss the Chairperson's address on the state of SAMU, which shall be presented at its first meeting/ sitting as stipulated in this Constitution.
6. Liaise with the Dean of Schools and/ or Chairpersons of Departments under their jurisdiction on issues arising in their respective Colleges.
7. Air students' grievances to the concerned authorities through the Dean of Students.



8. Collect and maintain data concerning the class representatives of the Schools / Departments under their jurisdiction.
9. Have not more than one meeting per month. In case of an extra ordinary meeting, the Congress through the speaker shall present the request and agenda of the meeting(s) to the Dean of Students for approval.
10. Develop appropriate standing orders through the Speaker.
11. Elect members to represent congress in the SAMU Committees.
12. In all its activities, observe the University statutes, regulations and policies, SAMU Constitution and by-laws, and prudent practices.

B) The Speaker and Clerk of the Congress.

There is established the office of the Speaker of the Congress under this constitution who shall be elected based on provisions of this constitution and whose role shall be as provided hereunder.

Election of the Speaker

The election of the Speaker shall be by secret ballot and shall be conducted as provided for in Chapter 6 of this Constitution.

Role of the Speaker

1. Be the chairperson of the House Business Committee.
2. Preside over meetings of the Congress.
3. Receive, approve motions and allocate time for each motion for the members.
4. Maintain law and order in the house.
5. Address the Congress in its first meeting after the swearing in.
6. Notify the office of the Dean of students in the event where the office of a member of Congress becomes vacant for appropriate action.
7. Receive request for recall of Congress person and SGC and communicate the verdict to the entities involved.
8. Perform any other duty as the Congress may deem fit to enhance its efficiency and performance.

The duties and powers of the Clerk shall be to;

1. Be the Secretary of the Congress.
2. Keep true, accurate and up to date records of the proceedings of the meetings of the Congress.
3. Arrange for venues of meetings and sittings of the Congress.
4. Send notices for motions and debates to members after consultation with the speaker.
5. Handling the correspondence of the Congress and House business committee.

E) Summoning

Meetings of the Congress shall be summoned by the Speaker.



F) Quorum

1. The quorum needed to commence and conduct business in Congress shall be two thirds (2/3) of the members. However, if it is the case that—
 - a) thirty minutes after the scheduled time for the start of the meeting a quorum is not realized, the Speaker shall postpone the meeting and reschedule it within seven (7) working days.
 - b) if a quorum is not realized in the rescheduled meeting, the meeting shall proceed with the members present. The resolutions made in the meeting shall be binding to all members.
2. Any member who absents him/herself for two consecutive meetings in a semester without prior written permission from the Speaker shall be deemed to have resigned from the Congress and any other office the member may hold. The Speaker shall declare the position vacant.
3. A member shall be deemed to have failed to attend a Congress meeting if, without the permission of the Speaker, s/he is away for more than half the duration of the meeting.

G) Voting

- a. All decisions in Congress shall be determined by a simple majority vote of the members present.
- b. Voting shall be through secret ballot.
- c. In case of tie the speaker shall cast the deciding vote.

H) Dissolution

Congress shall stand dissolved in accordance with Article 36 of this Constitution.

Article 17. Liabilities of the SAMU Council and the Congress

Members of the SAMU Council and Congress may be held jointly and/or severally liable for negligence and mismanagement of SAMU affairs, but in any event shall not be liable for mistakes of individual members in their private capacities.

Article 18. Vacation of Office

A member of the SAMU Council, Congress and Satellite Campus Leadership Committee shall vacate office if:

1. SGC and/ or Congress is dissolved in accordance with the provisions of this Constitution.
2. One ceases to be a registered student of Machakos University.
3. One resigns through a written notice.
4. One is recalled in accordance with Article 48.
5. One defers studies while in office.
6. One is found guilty of violating this Constitution.
7. One is convicted of a criminal offence by a court of law.
8. One dies.
9. By reason of infirmity of mind and/or body is unable to execute the functions of the office.



CHAPTER 4

MEETINGS

Article 19. Establishment

There shall be two types of meetings of the Association which shall be held at the main campus as follows:

1. The Annual General Meeting, hereinafter referred to as AGM
2. The Special General Meeting, hereinafter referred to as SGM

Article 20. Annual General Meeting (AGM)

1. The Annual General Meeting shall be held not later than twelve (12) months following the last AGM.
2. Notice in writing of such AGM, accompanied by the Annual Reports and Accounts and the Agenda for the meeting shall be availed to all members in not less than twenty-one (21) days before the date of the meeting.
3. The Annual Report and Accounts shall be tabled at the AGM and shall be open for inspection by the members.

Article 21. Agenda of Annual General Meeting

The agenda of any AGM shall include:

1. Confirmation of minutes of the previous AGM.
2. Tabling of Annual Reports and Accounts.
3. Such other matters as the SAMU Council may decide or as to which notice shall have been given in writing by a member or members to the Secretary General at least four (4) weeks before the date of the meeting.
4. Handing over by the outgoing office bearers.
5. Any other business.

Article 22. Special General Meeting (SGM)

1. Any general meeting which is not the AGM shall be referred to as Special General Meeting.
2. A Special General Meeting shall be called for any specific purpose by the SAMU Council Secretary General.
3. Notice in writing of such meeting and agenda shall be circulated to all members as appropriate.
4. An SGM may also be requisitioned by order in writing to the Secretary General by not less than one quarter of registered students through a petition to the Chairperson and such meeting shall be held within twenty-one (21) days of the date of the requisition.



Article 23. Quorum for General Meetings

Quorum for General Meetings shall be one-quarter of the Members of SAMU.

Article 24. Supreme Authority

1. The Annual General Meeting of the Association shall be the supreme decision-making body of SAMU.
2. Any motion proposed for discussion in a meeting of the SAMU General Meeting shall be determined by a majority of the members present by voting.
3. Any decision made at a General Meeting shall be binding to all members of SAMU.



CHAPTER 5

SAMU COUNCIL COMMITTEES

Article 25. Establishment

There shall be three (3) working committees of the SAMU Council, which shall be operational at the main campus, as follows:

Article 26. Academic Committee

There is established an Academic Committee of SAMU Council that shall comprise:

- a) Academic Secretary who shall be the Chairperson.
- b) One member of Congress.
- c) One class representative from each academic department of the University.

The Committee shall be responsible for the following:

1. Handling all academic matters under the guidance of the Academic Secretary.
2. Receive and discuss all academic matters and make recommendations to respective Deans of Schools for appropriate action.
3. Make recommendations to SAMU Council regarding activities that would promote academic excellence among students.
4. Sensitize students on academic regulations and outline benefits of professionalism.
5. Any other constitutional role assigned by SAMU Council from time to time which does not violate provisions of University policies and regulations.

Article 27. Sports and Entertainment Committee

There is established an Entertainment Committee of SAMU Council that shall comprise:

- a) Sports and Entertainment Secretary who shall be the Chairperson
- b) Secretary General
- c) Treasurer
- d) One member of the Congress

The Committee shall be responsible for the following:

1. Prepare a budget for entertainment events.
2. Participate in procurement of entertainment services for students
3. Publicity of entertainment and sports events to the MksU students.
4. Organizing of sports and entertainment events.
5. Any other constitutional role assigned by SAMU Council from time to time which does not violate provisions of University policies and regulations.

Article 28. Clubs and Societies Committee

There is established Clubs and Societies Committee of SAMU Council that shall comprise:

- a) Special Programme Secretary who shall be the Chairperson.



- b) All the Executive Committee members of registered Clubs and Societies in the University.
- c) SAMU Executive.
- d) One member of the Congress.

The Committee shall be responsible for the following:

1. Handling all clubs and societies matters affecting students.
2. Manage all clubs and societies activities spearheaded by SAMU Council.
3. Review regulations and policies affecting clubs and societies and make recommendations to Dean of Students for consideration.
4. Assist the Dean of Students in organizing all prayer day activities for students.
5. Champion harmony and peace among student.
6. Any other role that does not contradict the beliefs and practices of registered faith-based groups as well as policies and regulations of the University.

CHAPTER 6

ELECTIONS

Article 29. Date and Time of Elections

SAMU shall hold elections of the Electoral College, SAMU Council and Satellite Campus Leadership Committee members every year pursuant to provisions of this Constitution. Elections of the Electoral College shall be held in conformity with the financial year of SAMU pursuant to Article 31.1 and shall take place in the month of February of every year. If for some reasons, elections are not held in February, they can be held on any other date before November of the same year.

Article 30. Eligibility to Vote

To be eligible to vote one must be:

- a) Registered student of Machakos university.
- b) Verified as an eligible voter.

Article 31. General Rules of Elections

1. The election process shall be subject to the provisions of this Constitution.
2. Elections shall be free and fair and shall be:
 - a. Free from violence, intimidation, improper influence and/or corruption
 - b. Conducted by an independent body;
 - c. Transparent;
 - d. Administered in an impartial, neutral, efficient, accurate and accountable manner.
3. Elections shall be conducted through secret ballot.
4. Any Ordinary SAMU member may contest for any position in the SAMU Council or Satellite Campus Leadership Committee subject to provisions of this constitution.
5. The outcome of the elections shall reflect:
 - a) Not more than two-thirds of the members of the SAMU Council shall be of the same gender.
 - b) Fair representation of persons with disabilities.
 - c) National diversity.
 - d) Universal suffrage based on the aspiration for fair representation and equality of vote.
6. Every Student Council shall be elected in accordance with the Universities Act.
7. For purposes of conducting the election of the members of the Student Council and Satellite Campus Leadership Committees referred to in this Constitution, the Students Association shall constitute itself into Electoral Colleges at the Main (Machakos) Campus and at the Satellite Campuses based on Schools, or as may be appropriate under the guidance of the Dean of Students.
8. The students of each Electoral College constituted under Article 31.7 shall elect three representatives from amongst persons who are not SAMU executive candidates under the provisions of this constitution, and of whom not more than two-thirds shall be of the same



gender.

9. In conducting elections of representatives of the Electoral College as stipulated under Article 31.7 and Article 31.8, the best three (3) candidates of each Electoral College shall be automatically be declared the winners by the Returning Officer based on provisions of this Constitution except where **two thirds** gender rule has not been met in which case the immediate best person of the minority gender shall be declared third best (position three) candidate alongside the best two hence declared the winners.
10. The delegate with the majority of votes in each Electoral College shall be a member of Congress and shall be eligible to vote for the Speaker and Clerk. An Electoral College with more than 5,000 students shall be represented by two members of the Congress (i.e. the delegate with the majority votes and the next of the opposite gender).
11. If there is a tie in the first phase of the elections, the Returning Officer of the respective polling station shall use the previous academic results to break the tie.
12. The representatives of each Electoral College shall elect the members of the SAMU Council at the Main Campus immediately after the conclusion of first phase of elections.
13. If there is a tie in the second phase of the elections, the Chief Returning Officer shall declare an immediate run-off for the affected contestants.
14. The representatives of Satellite Electoral College shall elect the Satellite Campus Leadership Committee alongside the election of the SAMU Council.
15. The elections at the Main Campus and the Satellite Campus shall take place on the same day.
16. Final results for SAMU Governing Council, Speaker and Clerk shall be announced by the Chief Returning Officer.
17. The SAMU Governing Council, Congress, Speaker, Clerk, Electoral College, and Satellite Campus Leadership Committees shall serve for a period of one year. However, the Electoral College shall only be functional by virtue of necessity created by this Constitution. For the avoidance of doubt, they shall only handle by-elections that may arise from time to time.
18. Each candidate shall be allowed to appoint one agent who shall help him or her in overseeing the election activities.

Article 32. Voting System

There shall be two types of voting system, namely, **Manual Voting** and **I-voting**. The decision to use one kind of voting system rather than the other shall be made by the Dean of Students, in consultation with the Deputy Vice-Chancellor (Academic and Student Affairs).

(i). Manual Voting System

1. The elections of the SAMU Governing Council, Speaker, Clerk, Electoral College, and Satellite Campus Leadership Committee shall be by secret ballot.
2. The voting shall be done through ballot boxes.
3. For purposes of identification, students shall be required to produce a valid student ID and or national identity card or a passport or a birth certificate or a registration waiting card.
4. The Electoral roll/ register shall be prepared by the University and shall be open for



- verification by students at least one week prior to the elections as identified under Article 29.
5. The IECM shall produce a list of eligible voters that shall be published. A copy of the same shall be given to the Dean of Students.
 6. Voting shall be in two phases:
 - a. First phase shall be election of delegates from 6.00 am.
 - b. Second phase shall be conducted immediately after the conclusion of the first phase.
 7. Immediately after the first phase of elections, the votes shall be counted at the respective polling stations.
 8. Agents appointed by the candidates shall be entitled to witness the tallying based on provisions of this Constitution.
 9. The tallying shall be presided over by the Returning Officer.
 10. The best three candidates of each Electoral College shall be automatically declared the winners by the Returning Officer based on Article 31.9.
 11. The declared winners shall proceed to second phase of elections to elect SAMU Governing Council, Speaker, Clerk and Satellite Campus Leadership Committee.
 12. Voting for SAMU Governing Council, Speaker, Clerk and Satellite Campus Leadership Committee shall be done by the Electoral College under the guidance and supervision of the Ad hoc Committee assisted by Electoral Commission based on provisions of this Constitution.
 13. The candidate who garners the highest number of votes shall be declared as the winner of the contested elective position as provided for by this Constitution.
 14. At the conclusion of the elections, Returning Officers shall submit reports of their respective polling stations to the Chief Returning Officer.

(ii) I-Voting System

1. The elections of the SAMU Governing Council, Speaker, Clerk, Electoral College, and Satellite Campus Leadership Committee shall be by secret ballot.
2. For purposes of identification, a voter shall be required to produce the following:
 - a) A valid student Identification card (ID).
 - b) In the absence of student ID card, students will be required to produce a valid & certified Machakos University fees receipt accompanied by the National ID or Passport or Birth Certificate or a valid waiting card.
 - c) A valid **University E-mail** address, failure to which a new account shall be created based on the domain.
3. During verification, a system-generated E-mail link shall be sent to the voter's E-mail address for verification within 48 hours, after which the link shall be invalid.
4. The Electoral roll/ register shall be prepared by the IECM and shall be open online for verification by students one week prior to the elections as identified under Article 29.
5. If a student's name misses in the electoral roll, he/she shall acquire a confirmation note from the Registrar (Academic and Student Affairs) allowing his/ her name to be added into the register.
6. Online voter verification exercise shall be conducted by the IECM supervised by the Dean of Students.
7. Online voter verification exercise shall be open from 8 a.m. to 4 p.m. for the entire stipulated period of verification as set forth in this Constitution.



8. Any extension of the deadline for verification exercise shall be provided by the IECM after consultation with the Dean of Students.
9. The IECM shall produce a list of eligible voters that shall be published. A copy of the same shall be given to the Dean of Students.
10. Any student who does not verify his/her email address under the stipulated time-frame shall not take part in the voting exercise.
11. During the voting exercise, agents appointed by a candidate shall be entitled to witness the progress of the voting exercise.
12. Voting shall be in two phases:
 - a) First phase shall be election of delegates from 6.00 am.
 - b) Second phase shall be conducted immediately after the conclusion of the first phase.
13. Immediately after the first phase of elections, Returning Officers shall announce results of their respective polling stations.
14. The best three candidates of each Electoral College shall be automatically declared the winners by the Returning Officer based on Article 31.9.
15. The declared winners shall proceed to second phase of elections to elect SAMU Governing Council, Speaker, Clerk and Satellite Campus Leadership Committee.
16. Voting for SAMU Governing Council, Speaker, Clerk and Satellite Campus Leadership Committee shall be done by the Electoral College under the guidance and supervision of the Dean of Students assisted by the Ad hoc Committee and Electoral Commission based on provisions of this Constitution.
17. The Dean of Students shall be the Chief Returning Officer.
18. The candidate who garners the highest number of votes shall be declared as the winner of the contested elective position as provided for by this Constitution.
19. The Chief Returning Officer, members of the IECM, and one official agent per candidate will have access to view the results in real time.
20. At the conclusion of the elections, a report will be generated from the system, printed out and certified by the Chief Returning Officer.

Article 33. Spoilt Votes

Pursuant to Article 32 (1) of this constitution, a spoilt vote shall:

1. Be a vote that is obliterated or damaged or ambiguous or illegible so that it cannot identify the candidate for whom it was cast.
2. Not be tallied or considered in favour of any of the candidates.

Article 34. Election Offences

The following election offences shall disqualify one from vying for an elective post:

1. Rigging.
2. Bribery of voters and/or the Electoral Commission.
3. Use of foul and/or profane language (hate speech) through any media.
4. Giving false and/or malicious information in regard to electoral process.
5. Destruction of electoral process and materials and/or use of coercive force.
6. Intimidation, drunkenness disorder and rowdiness.
7. Slurs based on ethnicity, religion, gender, and mode of studying among others.



8. Destroying or mounting on other candidates' campaigning materials.
9. Campaigning on the polling day and/or any other act that compromise the tenets of free and fair election.
10. Unnecessary noise and disturbance in polling and tallying stations by supporters and/or an aspirant.
11. Campaigning before the official campaigning period.
12. Mounting campaign posters and banners for any candidate in places not designated for such posters.
13. Any other offence as stipulated by the IECM.

Article 35. General Qualifications for Candidature

To qualify to be elected in any elective post, one **MUST** meet the following qualifications:

1. Should be of sound mind.
2. Should have a minimum average of grade C in the previous academic years' transcripts.
3. Be of good conduct and should not have pending disciplinary case(s).
4. Be a registered student of Machakos University.
5. Have at least two semesters/three terms left for studying, the current semester not inclusive.
6. In case of a first year student one should have completed at least one semester or session with a full load of academic study.
7. Be a Kenyan citizen, if the member is contesting for the post of the Chairperson and Treasurer.
8. Should not have served in the SAMU Council for more than two (2) terms.
9. Should not have served in the Students' Council in any other university for two terms in Kenya.
10. Pay a non-refundable nomination fee as follows
 - a) Ksh.1000 for Chairperson, Vice Chairperson, Secretary General, Treasurer.
 - b) Ksh. 800 for the Secretaries, member of Satellite Campus Leadership Committee.
 - c) Ksh. 500 for Speaker, Clerk.
 - d) Ksh. 300 for representatives of Electoral Colleges
11. A candidate vying for the position of Vice-Chairperson must be of opposite gender to the Chairperson.
12. A candidate contesting for the Gender and Special Programme Secretary must be a person living with disabilities, and present evidence from the National Council for Persons Living with Disability or a letter of clearance from the University Disability Mainstreaming Committee.
13. Completely filled nomination forms should be submitted within the stipulated time.

Article 36. Independent Electoral Commission of MksU (IECM)

1. There is hereby established the Independent Electoral Commission of MksU (IECM) from bona fide members of SAMU, simply known as Electoral Commission, to conduct student elections in the University.
2. The Electoral Commission shall be appointed through the following process:



- a. The Chief Returning Officer shall place an advertisement for SAMU electoral Commissioners.
 - b. The Ad hoc Committee shall shortlist, interview and appoint successful applicants.
 - c. The successful Commissioners shall elect their Chairperson and Secretary who shall be of opposite gender.
 - d. The successful Commissioners shall constitute the IECM.
3. The Commission once appointed shall serve for a period of one (1) calendar year. However, the Commission shall only be functional by virtue of necessity created by this Constitution.
 4. The Electoral Commission shall carry out its mandate within the Constitution with impartiality and independence and shall not be influenced by any person.

Article 37. Eligibility of Membership to the IECM

A person shall be eligible for appointment as an Electoral Commissioner if he or she meets the following qualifications.

1. Be a Kenyan citizen.
2. Be a registered student of Machakos University.
3. Should be of sound mind.
4. Should have a minimum average of grade B in the previous academic years' transcripts.
5. Be of good conduct and should not have pending disciplinary case(s).
6. Should have completed at least one full academic year.
7. Have at least two semesters/three terms left for studying, the current semester not inclusive.
8. Should not have served as a member in the previous IECM, SAMU Council, Speaker, Clerk, Satellite Campus Leadership Committee, and/or Electoral College.
9. Should not contest or vie for a position in the SAMU elections.
10. Should be of high integrity, demonstrate impartiality and compliant with all requirements stipulated under this Constitution.

Article 38. Membership of IECM

The Electoral Commission shall consist of not less than three (3) and not more than seven (7) Commissioners duly appointed as per Article 37 and composed as follows:

1. Nominated members pursuant to Article 37 of this Constitution.
2. The Ad hoc Committee shall shortlist, interview and forward the list of successful applicants to the Dean of Students for appointment.

Article 39. Swearing in of IECM Officials

1. The appointed officials shall be sworn in by the Dean of Students in the presence of Ad hoc Committee members immediately after the announcement of the results.
2. The swearing in ceremony shall take place in the University.
3. The appointed officials shall take office upon being sworn in.

Article 40. Vacation of Office of IECM

A member of the IECM shall vacate office if:

1. A new IECM is appointed as per Article 36.
2. One ceases to be a registered student of Machakos University.
3. One resigns through a written notice.
4. One is recalled in accordance with Article 48.
5. One defers studies while in office.
6. One is found guilty of violating this Constitution.
7. One is convicted of a criminal offence by a court of law.
8. One dies.
9. By reason of infirmity of mind and/or body is unable to execute the functions of the office.

Article 41. Functions of the IECM

The Independent Electoral Commission of MksU shall:

- 1) Preside over the elections of SAMU Council, Electoral College, Speaker, Clerk, and Satellite Campus Leadership Committee as stipulated by this Constitution.
- 2) Declare seats vacant pursuant to Article 41 of this constitution
- 3) Oversee the campaign process and set election rules and procedures that do not contravene the provisions of this Constitution.
- 4) Publish the names of successful and unsuccessful candidates for the SAMU Council, Electoral College, Speaker, Clerk and Satellite Campus Leadership Committee.
- 5) Ensure that the voting procedure is simple and that the results are announced within twenty-four (24) hours.
- 6) Carry out civic education on voting exercise.
- 7) Train the Electoral Clerks and students' security on voting exercise.
- 8) Advise the Dean of Students to request the University Management to adjourn classes at the time they deem necessary, in a bid to ensure conclusion of the SAMU elections.
- 9) Review the SAMU Constitution as stipulated in Article 58
- 10) Ensure that SAMU elections are free and fair.
- 11) Disqualify and/ or penalize candidates or voters who violate the election rules in accordance with this Constitution.
- 12) Develop procedures for appointment and replacement of Electoral Clerks, who will perform the following duties:
 - a) Carry out the verification exercise.
 - b) Provide instruction and assistance to voters.
 - c) Organize the polling station before the polling exercise commences.
 - d) Maintain order in the polling stations on the elections day.
 - e) Perform any other role assigned to them from time to time by the Chairperson of the IECM.

Article 42. Dissolution of SAMU Elective Posts

The SAMU elective posts shall be dissolved when the IECM declares them vacant.

Article 43. Nomination Procedure for Elective Post

1. Nomination papers for the Electoral College, Clerk, Speaker and SAMU Council and the Satellite Campus Leadership Committee shall be obtained from the Electoral Commission fifteen (15) days prior to the election date identified under Article 29.
2. Nomination papers for the positions of the Electoral College, Clerk, Speaker and SAMU Council as well as Satellite Campus Leadership Committee shall be signed by the candidate and the candidate's proposer.
3. Candidates shall submit duly signed nomination papers to the Electoral Commission twelve (12) days prior to the election date identified under Article 29 between 8 am and 5 pm.
4. The Electoral Commission shall present only candidates who have been cleared in accordance with the Constitution.
5. The Electoral Commission shall publish the names of successful candidates within two (2) days after the closure of nomination period.

Article 44. Election Procedure

1. Official campaigns for the successful candidates shall begin immediately after the publication of the list of nominees by the Electoral Commission and shall last for seven (7) days and end a day before the elections.
2. The Returning Officers shall announce winners of first tier of elections in their respective polling stations.
3. Any regulations governing the conduct of campaigns by candidates and their supporters shall be published by the Electoral Commission and once published; any such regulations may not be amended during the election period. The rules shall be signed by all validly nominated candidates before clearance by the Electoral Commission.
4. The Electoral Commission shall be the sole interpreter of regulations governing the conduct of campaigns.
5. The Electoral Commission may organize campaign debates in their respective campuses. The debates shall be conducted in a professional and peaceful manner.
6. A nominated candidate may withdraw his/her candidature vide a written notice to the Electoral Commission not later than forty-eight hours to the elections. Such a notice shall be witnessed by three bona fide members of SAMU.
7. Without prejudice to the generality of the foregoing, the Electoral Commission shall only clear contestants who have fully complied under the provisions of the constitution.

Article 45. Special Cases During Elections

1. To attain the two third gender rule in the first tier of elections, the Returning Officer shall break a tie with reference to the most recent academic transcript.
2. If an elective position does not attract more than one candidate after nomination, the IECM shall re-advertise such position(s) for the next 24 hours. If yet again the position does not attract more than one candidate, the unopposed candidate shall be declared elected at the end of the election period.



3. In the event that the two third gender rule is not realized in the Congress, the IECM in consultation with the Dean of Students shall nominate two of the remaining candidates with the highest number of votes from the disadvantaged gender.

Article 46. Independent Election Petition Panel

1. There shall be an Independent Election Petition Panel, hereinafter referred to as 'The Panel'.
2. The Panel shall consist of members of the Ad hoc Committee, chaired by Deputy Vice-Chancellor (ASA).

Article 47. Election Petitions

A petition may be lodged with the Panel by a candidate or any member of SAMU on any of the following grounds:

1. Whenever such a candidate or member has any reason or has evidence that there has been a contravention of any election procedure or rule during the election period.
2. Whenever there is substantive evidence of bribing of voters, intimidation and/or harassment of voters and/or candidates.
3. Whenever there is evidence that a candidate has otherwise breached this Constitution.
4. A petitioner may bring a petition regarding nominations, campaigns and/or elections.
5. Petition fee of 2,000 Kenyan shillings shall be paid by petitioner.
6. A petition must be lodged not later than twenty-four (24) hours after the elections and must be signed by at least twenty (20) eligible voters detailing their name and registration number.
7. The Chairperson of the Panel shall notify the parties concerned on the hearing date, time and venue.
8. All the election petitions shall be expedited within five (5) working days.
9. The hearing of the petition shall be *inter partes* (all parties present) save where a party fails to attend without any reasonable excuse, in which case an *ex parte* (one party present) hearing shall proceed.
10. The decision of the Panel shall be final and binding.

Article 48. Swearing-In

4. The elected officials (SAMU Council, Congress, Speaker and Clerk) shall be sworn in by the University legal counsel or his/her representative in the presence of Deputy Vice-Chancellor (ASA), Ad hoc Committee and Electoral Commission after five (5) working days from the date of the announcement of the results and certificate issued to the winning candidate in each position. In case a petition is lodged against a candidate, the swearing in shall be held after five (5) working days from the date of the announcement of the decision of The Panel.
5. The ceremony shall take place in public at the University hall or at such other place within the Campus as may be directed by the Dean of Students.
6. Elected officials shall take office upon being sworn in.
7. The swearing in shall be done either jointly or separately in the different campuses depending on the logistical demands as deemed fit by the Dean of Students.



Article 49. Assumption of Office/ Appointment

1. A by-election shall be held whenever an office or seat falls vacant by reason of:
 - a. Successful petition.
 - b. Cessation of student membership through discontinuation by the University or any other reason as per the provisions of this constitution.
 - c. Imprisonment due to conviction by a court of law.
 - d. Death, physical, or mental infirmity.
 - e. Resignation or suspension from the University.
2. Provided that no by-election shall be held within six (6) months to the next General Election.
3. Provided that where the seat of a member of SAMU Council, Speaker and Clerk of Congress or Satellite Campus Leadership Committee falls vacant, the remaining members shall elect another member in an acting capacity for the vacant seat(s) for the entire remaining period.
4. Provided further that where the seat of a Congress member of SAMU falls vacant, the first runners up in the affected Electoral College(s) will automatically become member of Congress.
5. Provided that where less than 3 members of IECM are remaining as per Article 38, the Ad hoc Committee shall ensure that the threshold of not less than three (3) and not more than seven (7) Commissioners, is maintained.

Article 50. Impeachment/ Recalling/ Removal from office for an Elected Congress Member

1) Ground for Dismissal

An Electoral College has the right to call for dismissal of its representative on any of the following grounds:

- a) Physical or mental incapacity.
- b) Gross misconduct and abuse of office.
- c) Neglect of their duties.
- d) Embezzlement of SAMU funds.
- e) Violation of the Constitution.
- f) Suspension or expulsion from the University.

2) Procedure of Dismissal

- a) In case of a delegate, a petition signed by 50% plus one (1) members from an Electoral College, bearing names, registration numbers, and signatures, shall be presented to the Dean of Students.
- b) In case of the Speaker and Clerk, a petition signed by 50% plus one (1) members of the Congress, bearing names, registration numbers, colleges represented and signatures, shall be presented to the Dean of Students.
- c) Upon reception and verification, the Dean of Students shall forward it to the Speaker of the Congress in the case of a delegate.
- d) If the Speaker or the Clerk is accused the Dean of Students shall forward the petition to the acting Speaker or Clerk of the Congress, as appropriate.
- e) Upon reception, the Speaker or acting Speaker shall within seven days convene the Congress to deliberate on the petition. The accused will be given an opportunity for self-



defense.

- f) The Congress shall vote on the decision to dismiss the case or the accused.
- g) In case of a tie, the Speaker or acting Speaker shall cast the deciding vote.
- h) The results of the petition shall be communicated to the accused in writing by the Dean of Students.

Article 51. Vote of No Confidence

A vote of no confidence in any SAMU Council member shall be carried out as provided hereunder in a General Meeting convened under this constitution.

- 1) Vote of no confidence in a member of the SAMU Council/ Satellite campus leadership committee shall require a petition supported by fifty per cent (50%) plus one (1) of SAMU members of the Campus, and two-third of members of the SAMU Council, Satellite Campus Leadership Committee, and Congress, and may only be successful if a vote of two-third of the members is realized.
- 2) The vote of no confidence against the whole of the SAMU Council/ Satellite Campus Leadership Committee shall be successful only if a vote of two-third of SAMU members is reached.
- 3) In the event of the vote of no confidence being carried as provided for herein, such member(s) against whom a successful vote has been made shall forthwith vacate office.
- 4) The maker of the no confidence petition in both cases shall collect the names, registration numbers, and signatures of bona fide SAMU members to meet the threshold set by this Constitution.
- 5) The maker of the petition shall present it to the Ad hoc Committee.
- 6) Upon reception and verification, the Chairperson of the Ad hoc Committee shall arrange for a General Meeting.
- 7) The accused will be given an opportunity for self-defense.
- 8) The SAMU members shall vote on the decision to dismiss the case or the accused.
- 9) In case of a tie, the Chairperson of the Ad hoc Committee shall cast the deciding vote.
- 10) The results of the petition shall be communicated to the accused in writing by the Chairperson of the Ad hoc Committee.
- 11) Provided that in the event of a successful vote of no confidence against the whole SAMU Council/ Satellite Campus Leadership Committee, the University Management Board shall appoint a Caretaker Committee to undertake the functions of the SAMU/ Satellite Campus Leadership Committee.

CHAPTER 7

FUNDS

Article 52. Associations Funds

The funds of the Association shall comprise:

1. Subscription from members.
2. Donations, gifts and grants.
3. Such monies or assets as may accrue to or vest in the Association in the course of the exercise of its powers or the performance of its functions under this Constitution.
4. All monies from any other sources provided for or lent to the Association.

The funds of the Association may be used for the following purposes:

1. Recurrent expenses;
2. Capital development;
3. Operations and maintenance cost;
4. To facilitate furtherance of the Association objects.

Article 53. Management of the SAMU Funds

1. All new students shall pay membership fee of Ksh.1000.00.
2. All continuing students shall pay a semester subscription fee of Ksh.350.00.
3. The University Administration shall establish an account which shall be managed by the Association.
4. The SAMU office in consultation with the Dean of Students shall prepare a budget for each financial year, showing the vote-heads and expenditures of various activities per semester.
5. Withdrawal from the students' funds shall be made only against the joint signatures of at least three authorized signatories of which the Dean of Students is a mandatory signatory. The other signatories are; Chairperson, Treasurer, and Secretary General.
6. Requisition of any money shall be submitted through the Dean of Students for approval by the Deputy Vice-chancellor (APF) through the Deputy Vice-Chancellor (ASA).
7. Administration of such funds shall be carried out by the Treasurer in consultation with the Executive, on behalf of the Association.
8. All financial records shall be kept by SAMU Treasurer.
9. Individual clubs and societies may be given financial subsidy if deemed necessary. Such subsidy shall depend on the need and shall be approved by the Executive in consultation with the Dean of Students.
10. The maximum expenditure from the fund for each academic year shall not exceed the total revenue for that year.
11. Any funds raised from students' activities by the SAMU Council shall be reverted to SAMU account and appropriate entries must be made in the SAMU books of accounts by the Treasurer to indicate such revenue.
12. The Treasurer shall present to the SAMU Governing Council an up-to-date statement of accounts and reports indicating income and expenditure for the financial year for approval by the Students Governing Council. This should be done two (2) months before expiry of the terms of the existing office holders.

Article 54. Allowances

The allowances for the Student Governing Council, Transitional Committee, Congress members, IECM officials, Clerks, Electoral College representatives and any other responsibility shall be approved by the University Council.

Article 55. Support to Needy Students

SAMU shall avail funds for the award of bursaries to needy students as determined by the University Management. Available funds shall be determined from time to time by the SAMU Council in consultation with the Dean of Students. Allocation of bursaries shall be done by:

- a. SAMU Council.
- b. Two Members of the Congress.
- c. Committee appointed by the Deputy Vice-Chancellor (Academic and Student Affairs).

Article 56. SAMU Investment Committee

There is established SAMU Investment Committee under this constitution that shall comprise the following:

- | | |
|-----------------------------------|---------------|
| 1. SAMU Treasurer | - Chairperson |
| 2. Gender and Special Programmes | - Secretary |
| 3. SAMU Secretary General | - Member |
| 4. University Students' Counselor | - Member |
| 5. Assistant Dean of Students | - Member |
| 6. One Congress member | - Member |

Article 57. Role of SAMU Investment Committee

The SAMU investment Committee shall be formed as stipulated in the constitution and shall in particular:

1. Receive the applications through the Treasurer who shall be the Chairperson of the Committee.
2. Advertise and vet the application for the respective investments.
3. Ensure that the application and rental fees are paid to the SAMU account.
4. Forward the final selection of the applicants to the Dean of Students for approval.
5. Review the application and rental fees from time to time.
6. Termination of contract of an investor who contravenes the SAMU Constitution and any other University policies.

CHAPTER 8

Article 58. Interpretation

This Constitution shall be interpreted with due regard to the Laws of the Republic of Kenya, Universities Act and the Machakos University Statutes.

Article 59. Amendment of the Constitution

1. Any ordinary member of SAMU may propose an amendment of the Constitution by proposing to the Speaker of the Congress such amendment and requisitioning for a motion to amend.
2. The member(s) of SAMU shall be invited by the Congress to submit their views on the proposed amendment.
3. The Congress shall then vote through a secret ballot on whether to dismiss or adopt the amendment.
4. Any adopted amendment shall be submitted to the IECM through its Chairman for collection of further views and drafting.
5. The draft amendment shall be submitted to the Dean of Students for the commencement of the process of approval.
6. Any amendment occasioned by the provisions of an Act of Parliament (Republic of Kenya) shall automatically be adopted.
7. Any amendment proposed by the Congress is permitted as long as the amendment is approved by the Dean of Students vide a written notice. The Speaker of the Congress shall publish the amendment to all SAMU members for fourteen (14) days. Any objection by way of a petition supported by at least two third of SAMU members shall be addressed in writing to the Congress.
8. For avoidance of doubt, the Law of the Land, the University Statutes, Policies and deliberations by the University Management Board and the Senate take precedence over the SAMU Constitution.

Article 60. Review

This Constitution shall be reviewed from time to time when need arises.

Article 61. Transition

1. Any rights, duties, obligations, assets, revenue and liability of SAMU existing immediately before the adoption of this Constitution shall be deemed to be transferred to SAMU upon adoption of this Constitution.
2. A schedule of assets shall be agreed upon by the University Management Board and SAMU leadership prior to the first elections under this Constitution and such schedule shall thereafter be maintained and updated from time to time.
3. This Constitution shall be validated upon the following:
 - a. Provisions of an Act of Parliament (Republic of Kenya).
 - b. Approval of the Constitution by the University Council, and shall come into force



immediately subject to the provisions of this transitional article.

4. Upon expiry of the terms of the existing office holders immediately before the coming into force of this Constitution, the student leadership body generally referred to as the SAMU Council, shall be transformed into a Transitional Committee for the smooth running of SAMU affairs during the transition period and for preparations for elections under this Constitution.
5. For avoidance of doubt, the term of the Transition Committee shall come to an end upon its dissolution and appointment of the Electoral Commission.
6. Any new office created under this Constitution shall be effected by operation of law through the general election held under the provisions of this Constitution.

Article 62. Entitlement

All the students of Machakos University shall be entitled to:

1. Participate in SAMU elections, or to be elected based on provisions of this Constitution.
2. Actively participate in the proceedings of SAMU general meetings.
3. Take part in all activities of SAMU.
4. Express his or her opinion in a proper and appropriate manner in any forum convened by SAMU.
5. Basic human rights and freedom.

Article 63. Oath of Allegiance to this Constitution

The Oath of Allegiance to the former Constitution shall be null and void in so far as it contradicts the new and/or amended Constitution. All the SAMU members shall abide by the provisions of the new and/or amended Constitution.