



# **MACHAKOS UNIVERSITY**

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

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## **CONSTITUTION 2018**

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## OPERATIONAL DEFINITION OF TERMS

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

**Annual Accounts** – Refers to the balance sheet and a statement of expenditure and income (profit and loss account).

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

**Assessable Attachment** – industrial placement as per the curriculum.

**Auditor** - Any person or firm with the recognized accounting qualifications who is not a member of the SAMU.

**Bona fide Member** – Any student who has paid SAMU registration and/or subscription fee.

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

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

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

**Council** – Students governing body comprising executive and secretaries.

**Electoral Colleges** - Group of students that elects the SAMU council, and is constituted on the basis of academic departments, or schools, as may be appropriate under the guidance of the Dean of Students.

**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** - Those who have duly reported and paid full school fees including those on assessable attachment.

**Semester** - Means a period of study consisting of fourteen to sixteen weeks each of an academic year.

**Staff** - a person who is employed on permanent and pensionable or contractual terms at Machakos University.

**Statutes** - Regulations made pursuant to the University

**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.





## 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 No. 42 of 2012 (Revised Act No. 48 of 2016) and the MksU 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 MksU 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, MksU has set structures regulating governance and management of the University and hereby abides to respect the authority.

**ACKNOWLEDGING** that MksU is a diverse and multi-disciplinary University with various Schools, Departments, sections all offering different programs in various disciplines.

**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 MksU 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

### 1.1 Name

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

### 1.2 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.

### 1.3 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

#### 2.1 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.

#### 2.2 Associate Membership

All those students of other universities who at a particular time shall be at MksU for student exchange programme shall be associate members by default.

#### 2.3 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, audit reports 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.

#### 2.4 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.



## 2.5 Cessation 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

#### 3.1 Administration of SAMU Council

The Association shall be administered by the SAMU council 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.

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

1. SAMU Council, and
2. Satellite Campus Leadership Committee

#### 3.2 The SAMU Council

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

1. Chairperson
2. Vice-Chairperson – who shall be of opposite gender with the chair-person and running mate to the chair-person
3. Secretary General – who shall be secretary to the Council
4. Treasurer
5. Academic Secretary - which position shall be reserved for a female
6. Sports and Entertainment Secretary
7. Special Programmes Secretary – which position shall be reserved for person living with disabilities.

#### 3.3 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.

The Satellite Campus Leadership Committees shall consist of the following members:

- i) Satellite Chairperson
- ii) Satellite Secretary (which position shall be reserved for a female)
- iii) Satellite Welfare Secretary

### 3.4 Authority and Responsibility of the SAMU Council

1. 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.
2. Draw to the attention of the appropriate authority where necessary, special needs from particular students.
3. Offer suggestion to the Senate or its equivalent on matters affecting the well-being of students.
4. Uphold and protect the Constitution of the Association.
5. Determine the general policies of the Association.
6. Be responsible for the day today running of SAMU
7. Undertake such other functions as provided in its governance instruments as approved by the Council.

### 3.5 Duties and Responsibilities of the SAMU Council

#### 3.5.1 The 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 Executive’s, ordinary Student Council and special Meetings.
2. Be a member of University Senate, non-academic students’ disciplinary committee, Research, Innovation and Linkages committee, and any other committee as per the University Statutes.
3. A signatory to SAMU accounts and any other account established by the Association.
4. Facilitate the existence of cordial relationship between the Association, the University Administration, the Student council 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 the operation of the units.
6. Shall uphold and protect the SAMU Constitution.
7. Serve as a member of the bursaries and tuck shop allocation committees
8. Shall address the inauguration of the newly elected Student council.

### 3.5.2 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 who's role shall be as provided hereunder;

#### Role of the Vice-Chairperson

1. Deputize the Chairperson.
2. Exercise the duties of the Chairperson in the absence from office or in his/her inability to act.
3. Perform any other duties as may be delegated to him/her by the Chairperson.
4. Act as the official internal affairs officer of the Association including internal security matters;
5. Represent SAMU in the University Security Committee.
6. 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.
7. Ensure conducive and secure environment within the hostels.
8. Report any damages in the University hostels to the relevant authority.
9. Liaise with the housekeeper to ensure that the right students are residing in their respective hostels.
10. Address the issues affecting the non-resident students.
11. Liaise with private hostel providers to ensure better living standards for students not residing in the University hostels.
12. Ensure the wellbeing of students in liaison with the University Head of Health Unit.
13. Shall be a member of the bursary allocation committee.

### 3.5.3 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 who's role shall be as provided hereunder;

#### Role of the Secretary General

1. Be secretary of the Executive and Student council.
2. Be in permanent liaison with the Chairperson of the Association.
3. Oversee and maintain all minutes, correspondences and records of the Association.
4. 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.
5. Maintain correspondences to and from the University.



6. Be responsible for the circulation of relevant information and general communication to the members of the Association through notices and announcements.
7. Be a signatory to SAMU account and any other account operated by the Student council.
8. Make available to the Chairperson all documents and reports relating to matters to be discussed at the Annual General meeting.
9. Supervise all functions of the SAMU working committees.
10. Serve as a member of the bursaries and tuck shop allocation committees
11. Manage all issues concerning the constitution including and not limited to its amendment.

#### **3.5.4 The Treasurer**

There is established the office of the Treasurer under this constitution who shall be elected based on provisions of this constitution and who's 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. Ensure that accounts are made available to the students' body every 3rd week of the first semester of the Academic year.
3. Be a mandatory signatory to all withdrawals from the students' accounts.
4. Submit an up-to-date statement of accounts and reports indicating income and expenditure for each academic semester for approval by the Student council.
5. Ensure that all books of accounts are made available for inspection by the appointed auditor at all reasonable times, provided that a written notice has been given seven (7) days in advance to the Treasurer.
6. Keep a detailed account of receipts and prepare a financial statement for the Annual General Association meeting.
7. Shall be a member of the Bursary Allocation Committee and chair of Tuck Shop Allocation Committee.

#### **3.5.5 The 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 who's 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 and present all ICT issues to the ICT personnel e.g. Hot-spots in the Institution, the E-resource centre and any other issue concerning the internet services.
4. Liaise with library personnel to ensure high standards are set and maintained in the provision of academic and library services.
5. Promote education on student related University policies, procedures and regulations among members.
6. Present to management proposals on career, work-study and academic exchange programmes of the University.
7. Organize and chair class Representatives meetings at least twice every semester.
8. Liaise and work with the School administration in academic matters.
9. Chair SAMU academic committee.
10. Perform any other related duty as may from time to time be assigned by the Chairperson.

### **3.5.6 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 and maintenance of all entertainment equipment belonging to the Association.
4. Maintain an exhaustive inventory on all entertainment equipment belonging to the Association.
5. Submit all financial proceeds accruing from hosting entertainment events to the treasurer accompanied by financial documents in support thereof. Such documents used for transactions should be endorsed by the Student Council
6. Prepare financial statements within the first two (2) weeks of every semester showing the expenditure on entertainment events held the previous semester as well as returns from the same events. The financial statements shall also indicate the amount of money deposited with the treasurer who shall bank the same in the relevant account.
7. Receive and handle recommendations or complaints regarding entertainment within the University.
8. Submit a schedule to the Student council four (4) weeks after being sworn in on entertainment events it plans to host.
9. Update the Student Council on any matter related directly or indirectly to entertainment of members of the Association.
10. Be directly answerable to the Student council on any matter directly or indirectly related to entertainment and sports of members of the Association.
11. Chairperson of the Entertainment Committee of the Association.

12. Assist the University Sports Coordinator in the promotion and coordination of sports and games.
13. Perform any other duty as may from time to time be assigned by the SAMU chairperson.

### **3.5.7 Special Programmes Secretary**

There is established the office of the 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 Special Programmes Secretary**

1. Present members with special needs to the Student Council
2. Deal with matters affecting students living with disabilities.
3. Be in charge of the welfare and all matters of the students living with disabilities.
4. Keeping up-to-date records of the population of students living with disabilities in the University.
5. Promote the integration of members living with disabilities in the University.
6. Facilitate dissemination of information on programmes, facilities and services available to students living with disabilities.
7. Advice SAMU on ways of implementing progressive National and International Policies regarding students living with disabilities in the University.
8. Co-ordinate related activities of students living with disabilities.
9. In liaison with sports and entertainment secretary, coordinate clubs and societies of MksU.
10. 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.
11. Represent SAMU in all matters on social welfare, special needs and other related issues.
12. Receive and record request for financial assistance by students living with disabilities as per SAMU Constitution.
13. Serve as a member of the bursaries and Tuck Shop Allocation Committees
14. Perform any other related duty as may, from time to time, be assigned by the Chairperson.

### **3.6 Authority and Responsibility of Satellite Campus Leadership Committee**

1. Oversee and plan, in consultation with the SAMU council, students' activities for the promotion of academic spiritual, moral, harmonious communal life and social well-being of all students in their respective campuses.
2. Draw to the attention of the SAMU Council where necessary, special needs from particular students in the satellite campus.
3. Offer suggestion to the SAMU council on matters affecting the well-being of students.
4. Uphold and protect the Constitution of the Association.



- 5. Undertake such other functions as approved by the SAMU Council.

**3.7 Duties and Responsibilities of Satellite Campus Leadership Committee**

**3.7.1 The 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 who’s role shall be as provided hereunder;

**Role of Satellite Campus Chairperson**

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

**3.7.2 The 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 permanent 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. Address issues directly arising from academic interests of Satellite Campus members.
- 8. Advocate for the provision of quality academic facilities, resources and services for effective academic programmes at the Satellite Campus.
- 9. Perform any other duties as may be assigned by the SAMU council.



### 3.7.3 The 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.

### 3.8 Liabilities of The SAMU Council

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

### 3.9 Vacation of Office

A member of the SAMU Council shall vacate office in any of the following circumstances;

1. When the office is declared vacant pursuant to provisions of this constitution for purposes of conducting new elections.
2. If a vote of no confidence is cast against a member, in accordance with the provisions of this constitution.
3. If the member ceases to be a student of the University
4. If the member is convicted by a competent court of law of a criminal offence for more than three (3) months;
5. If the member by the reason of infirmity of mind or body is unable to execute the functions of his/ her office or dies.
6. Through resignation in writing to the Dean of Students by the member.

In case of vacancy in an office in the SAMU Council, the Council shall appoint one person from among eligible members of the Council to act and serve in the vacant office until such position is properly filled.

## CHAPTER 4

### MEETINGS

#### 4.1 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

#### 4.2 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.

##### 4.2.1 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. Presentation of the Auditor's Report.
4. 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.
5. Handing over by the outgoing office bearers.
6. Any other business.

#### 4.3 Special General Meeting (SGM)

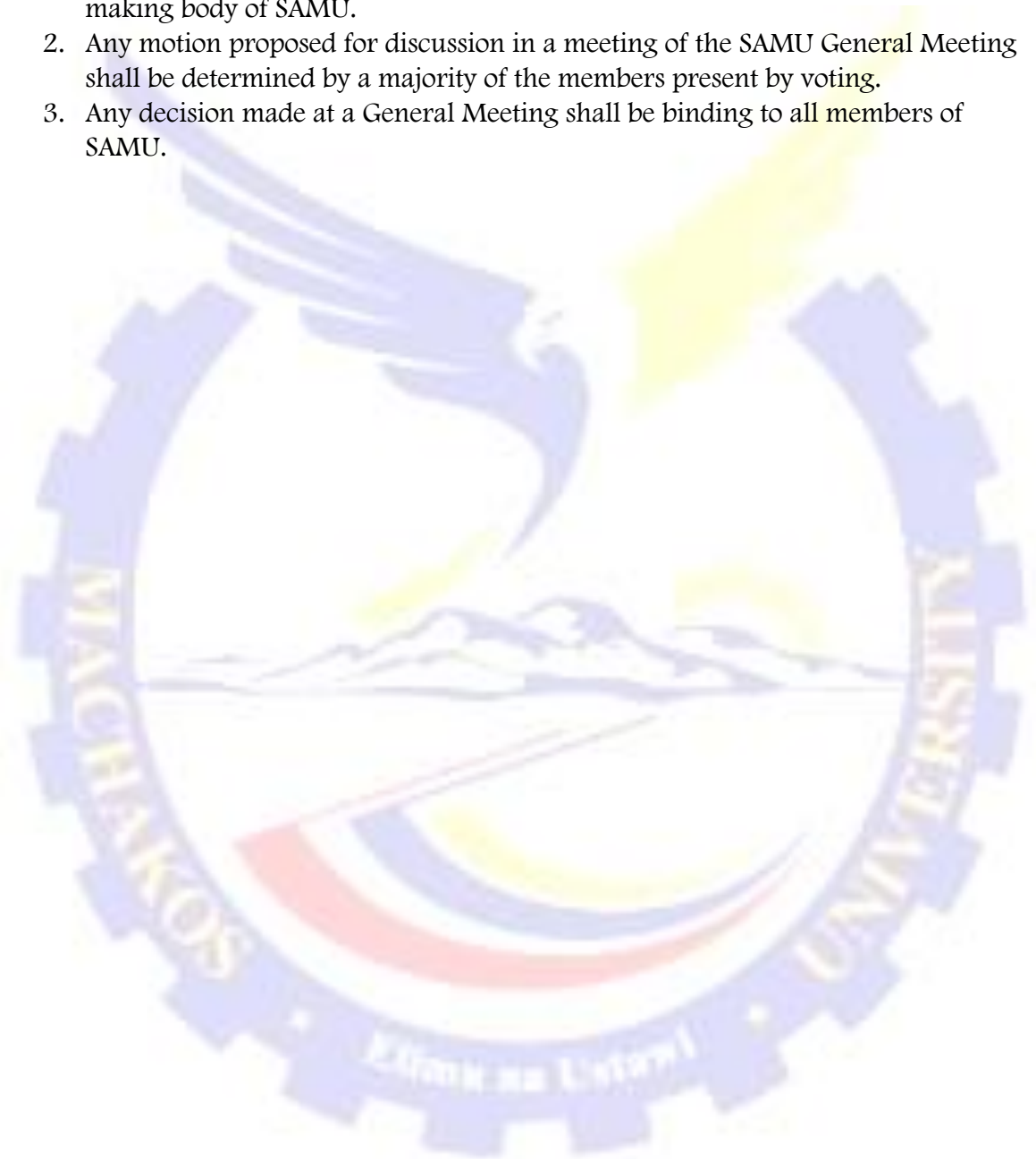
1. Any general meeting which is not the AGM shall be referred to as Special General Meeting.
2. A Special General Meeting shall be called for any specific purpose by the SAMU Council Secretary General.
3. Notice in writing of such meeting and agenda shall be circulated to all members as appropriate.
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.

#### 4.4 Quorum for General Meetings

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

#### 4.5 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

#### 5.1 Establishment

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

#### 5.2 Academic Committee

There is created an Academic Committee of SAMU Council that shall comprise of one class representative from each academic department of the University and shall be chaired by the Academic Secretary. 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.

#### 5.3 Sports and Entertainment Committee

There is created an Entertainment Committee of SAMU Council that shall comprise Vice-Chairperson, Secretary General, Treasurer, and Sports and Entertainment Secretary. The Committee shall be chaired by the Sports and Entertainment Secretary and 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 and entertainment events to the MksU publics.
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.

#### 5.4 Inter-Faith Group Committee

There is created an Inter-Faith Committee of SAMU Council that shall comprise all the chairpersons of registered faith-based groups in the University, SAMU executive, Special Programmes Secretary and shall be chaired by the SAMU chairperson. The Committee shall be responsible for the following:

1. Handling all faith-based and religious matters affecting students.



2. Manage all faith based activities spearheaded by SAMU Council.
3. Review regulations and policies affecting faith based groups and make recommendations to Dean of Students for consideration.
4. Firmly organize all prayer day activities for students.
5. Champion harmony and peace among student; and
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

#### 6.1 Introduction

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 6.2(3) and shall take place on the Tuesday of the Second (2<sup>nd</sup>) Week of October of every year.

#### 6.2 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; and
  - d. Administered in an impartial, neutral, efficient, accurate and accountable manner.
3. Elections shall be conducted through secret ballot by the Electoral College.
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's 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 academic departments, or schools, as may be appropriate under the guidance of the Dean of Students.
8. A school with less than two hundred (200) students shall be considered as a Department.
9. The students of each Electoral College constituted under subsection 6.2(7) above shall elect three representatives from amongst persons who are not candidates under the provisions of this constitution, and of whom not more than two-thirds shall be of the same gender.

10. In conducting elections of representatives of the Electoral College as stipulated under subsection 6.2(7) and 6.2(9) above, the best three candidates of each Electoral College shall be automatically declared the winners by the Chairperson of the Electoral Commission 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 disadvantaged gender shall be declared third best (position three) candidate alongside the best two hence declared the winners.
11. The representatives of each Electoral College shall elect the members of the Students Council at the Main Campus within forty-eight (48) hours of their election under subsection 6.2(10) above in the absence of a petition.
12. The representatives of Satellite Electoral College shall elect the Satellite Campus Leadership Committee alongside the election of the SAMU Council.
13. The elections at the main campus and the satellite campus shall take place on the same day.
14. The Electoral College representatives once elected and upon conclusion of the SAMU Council and Satellite Campus Leadership Committees elections 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.

### **6.3 General Qualifications for Candidature in Electoral College and SAMU Council**

To qualify to be elected in any office in SAMU Council, Satellite Campus Leadership Committee or Electoral College, one must have the following qualifications:

1. Should be of sound mind.
2. Must have good academic performance (an average grade of C and above in the program being undertaken in the previous semester/ term results or a pass where applicable).
3. Be of good conduct and should not have pending disciplinary case(s).
4. Be a registered student studying at respective campus.
5. Have at least two semesters/three terms left for studying, the current semester not inclusive.
6. Have completed at least one semester or one term with a full load of academic study.
7. Be a Kenyan citizen, if the member is contesting for the post of the Chairperson.
8. Should not have served in the Students' 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 of Ksh. 1000 for the Executive candidates and Ksh. 800 for the Secretaries, Satellite Campus Leadership Committee member Ksh. 800 and representatives of electoral colleges Ksh. 500.
11. A candidate vying for the position of Vice-chairman must be of opposite gender to the Chairman.
12. A candidate contesting for the Special Programmes Secretary must be a student 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.

#### 6.4 Independent Electoral Commission of MksU

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 and supervise Electoral College Elections in each Campus of 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 on Conclusion of SAMU Elections shall shortlist, interview and appoint successful applicants.
  - c. The successful commissioners shall elect their Chairperson and Secretary.
  - d. The successful Commissioners shall constitute the IECM.
3. The Commission once appointed shall serve for a period of one 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.

#### 6.5 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 6.4 and composed as follows:

1. Nominated members pursuant to article 6.4(2) of this Constitution (the nominees who are members of the Association shall hold the qualifications under clause 6.4 of this Constitution; and
2. Ex-official members who shall be the members of the Committee appointed by the Deputy Vice-Chancellor (Academic and Student Affairs) to oversee the conclusion of the SAMU election.

#### 6.6 Disqualification of Membership to the IECM

A person shall not be eligible to be appointed to the Electoral Commission if he or she:

- 1) Is a member of the SAMU Council or has served as a member of the SAMU Council, Satellite Campus Leadership Committee or Electoral College member.
- 2) Is seeking to contest or vie for a position in the election either as a member of SAMU Council, Satellite Campus Leadership Committee or Electoral College representative; and
- 3) Lacks integrity, impartiality or for non-compliance with any other requirement stipulated under this Constitution or Elections Code.



## 6.7 Functions of the IECM

- (a) The Independent Electoral Commission of MksU shall:
1. Preside over the Electoral College elections and SAMU Council elections as stipulated by this constitution.
  2. Declare seats vacant as per provisions 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 successfully nominated candidates and the disqualified candidates for the Electoral College, Satellite Campus Leadership Committee and the SAMU Council and shall post such notice of disqualification together with reasons at a suitable notice board within the campus where the affected candidates are based.
  5. Appoint the electoral clerks and security and assign them roles.
  6. Ensure that the voting procedure is simple and that the results are announced within twenty-four (24) hours.
  7. Carry out civic education on the importance and procedure of elections
  8. Advise the University Management to adjourn classes at the time they deem necessary in consultation with the Committee appointed by the Vice-Chancellor to oversee the conclusion of the SAMU election.
- (b) In addition to the above, the Electoral Commission shall have power to:
1. Conduct and supervise all Electoral College, Satellite Campus Leadership Committee and SAMU Council elections.
  2. Promote free and fair elections.
  3. Penalize any candidate who violates the election rules.
  4. Disqualify candidates in accordance with this constitution.

## 6.8 Dissolution of SAMU Council and Satellite Campus Leadership Committee

The SAMU Council and the Satellite Campus Leadership Committee shall be dissolved by the Chairperson through a motion to be tabled one month before Electoral College election date. If the Chairperson fails to table a motion to dissolve the Council/Committee, the SAMU Council shall stand dissolved within two (2) days after the date on which it should have passed a motion of dissolution.

## 6.9 General Election Regulations

1. Handing over shall be done in four working days after conclusion of SAMU elections and any petitions.
2. Each candidate shall be allowed to appoint an agent who shall help him or her in overseeing the Electoral College election activities.
3. Results shall be announced by the Chief Returning Officer, who is the Dean of Students, after closure of counting/tallying of votes upon conclusion of Electoral College, SAMU Council and Satellite Campus Leadership Committee Elections, and winners declared based on provisions of this Constitution.
4. An agent appointed by a candidate pursuant to Article 6.9 (2) above shall have full mandate to witness counting or tallying of votes on behalf of the candidate.

## 6.10 Spoilt Votes

Pursuant to provisions of this constitution on elections:

1. A spoilt vote shall 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. A spoilt vote shall not be tallied or considered in favour of any of the candidates.

## 6.11 Election Offences

1. An election offence may occur if provisions of the constitution are contravened by a contestant or candidate during election period in which case the Electoral Commission shall be entitled to summon the candidate and any other person and after inquiring into the matter, may disqualify, suspend or make any other valid decision regarding the candidature of the person affected.
2. Election offences include rigging, use of physical violence, intimidation, giving false information to the Electoral Commission, campaigning on the polling day and/or omission or commission which defeats realization of free and fair elections with respect to a specific position or generally.
3. Any other offence as stipulated by the IECM.

## 6.12 Nomination Procedure

1. Nomination papers for the Electoral College and the SAMU Council and the Satellite Campus Leadership Committee shall be obtained from the Electoral Commission fourteen (14) days prior to the election date identified under article 6.1.
2. Nomination papers for the positions in the Electoral College and the SAMU Council 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 6.1 between 8 am and 5 pm.
4. The nomination papers shall be returned in designated places in the contestants' respective campuses and the Electoral Commission shall present only candidates who have been cleared in accordance with the Constitution.
5. The Electoral Commission shall announce within two (2) days and cause to be prominently published immediately thereafter successfully nominated candidates for the Electoral College, Satellite Campus Leadership Committee and the SAMU Council.
6. Official campaigns for the Electoral College elections 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.
7. The Electoral Commission shall announce within twenty-four hours from the close of voting, the winners of the Electoral College elections and shall publish the list of the Electoral College Representatives.
8. The SAMU Council and the Satellite Campus Leadership Committee elections shall be conducted by the Electoral College Between 8.00am and 4.00pm and the results announced within twenty-four (24) hours by the Chairperson of IECM.

9. 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.
10. The Electoral Commission shall be the sole interpreter of any such regulations, subject to the complaints procedures outlined in this Constitution.
11. The Electoral Commission may organize campaign debates in their respective campuses. The debates shall be conducted in a professional and peaceful manner promoting issue based campaigns.
12. A candidate validly nominated may withdraw his/her candidature by written notice addressed to the Electoral Commission and signed by the candidate and attested by three witnesses not later than forty-eight hours to the elections.
13. 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.

### 6.13 Voting

1. The Electoral College elections shall be by secret ballot, simple majority system and on the principle of one member one vote.
2. The voting shall be done through transparent ballot boxes.
3. The Satellite Campus Leadership Committee and SAMU Council elections shall be conducted by the Electoral College under the guidance and supervision of the Electoral Commission based on provisions of this Constitution.
4. 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.
5. 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 6.1.
6. Immediately after voting, the votes shall be counted at the respective polling stations as the case may be.
7. The counting shall be presided over by the Returning Officer.
8. Agents appointed by the candidates shall be entitled to witness the counting and tallying based on provisions of this Constitution.
9. The candidate who garners the highest number of votes shall be declared as the winner of the elective position contested for during the SAMU Council elections as provided for by this Constitution. Subsection 6.2(10) shall apply for election of Electoral College representative.

### 6.14 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.



### 6.15 Election Petitions

1. A petition may be lodged with the Panel by a candidate or any member of SAMU on any of the following grounds:
  - a) 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.
  - b) Whenever there is substantive evidence of bribing of voters, intimidation and/or harassment of voters and/or candidates.
  - c) Whenever there is evidence that a candidate has otherwise breached this Constitution.
2. A petitioner may bring a petition regarding nominations, campaigns and/or elections.
3. 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.
4. The Chairperson of the Panel shall notify the parties concerned within forty-eight (48) hours of such lodging.
5. All the election petitions shall be expedited within three (3) business days.
6. 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 may be held.
7. The decision of the Panel shall be final and binding and shall be submitted to the Electoral Commission for execution.

### 6.16 Swearing-In

1. The elected officials shall be sworn in by the university legal counsel or his/her representative who must be an advocate of the High Court of Kenya in the presence of Electoral Commission within four (4) working days after the announcement of the results and a certificate issued to the winning candidate in each position for SAMU Council/Satellite Campus Leadership Committee. In case a petition is lodged against a candidate, the swearing in shall be held within 24 hours of the decision of the Petition Panel.
2. The ceremony shall take place in public at the university hall or at such other place within the Campus as may be designated by the Electoral Commission.
3. Elected officials shall take office upon being sworn in.
4. The swearing in shall be done either jointly or separately in the different campuses depending on the logistical demands as deemed fit by the University Management.

### 6.17 By Elections

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 for a period of three (3) or more consecutive months.
  - d. Death, physical, or mental infirmity.
  - e. Resignation or suspension from the University for a Period longer than three (3) months.
2. The by-election shall take place within fourteen (14) days of the office or seat falling vacant and shall be conducted by the respective Electoral College representatives in the case of a vacancy at the Satellite Campus Leadership Committee or the Electoral College representatives at the main Campus in the case of a vacancy at the SAMU Council as provided for in this Constitution.
  3. PROVIDED that no by-election shall be held within three (3) months to the next General Election;
  4. PROVIDED further that where the seat of a member of SAMU Council or Satellite Campus Leadership Committee falls vacant, the remaining members of the Council/ Committee shall appoint another member in an acting capacity for the vacant seat.

#### 6.18 Vote of No Confidence and Dissolution

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

1. A vote of no confidence in a member of the SAMU Council/Satellite campus leadership committee shall require a petition supported by at least one quarter of members of the Campus or two-thirds of members of the SAMU/Regional Leadership Committee and may only be successful if a quorum of fifty percent (50%) of members and a vote of two-thirds of the members present 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 quorum of two thirds of all the members and a vote of two thirds of members present 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. In the event of a vote of no confidence against the whole of the SAMU Council/Satellite campus leadership committee as provided for herein, the Electoral College representatives shall be convened by IECM to conduct fresh elections based on provisions of this Constitution in respect thereof shall be held within twenty-one (21) days thereafter.
5. The maker of the no confidence motion in both cases shall collect the required signatures to meet the threshold set by this constitution.

**PROVIDED** that in the event of a vote of no confidence against the whole SAMU Council/Satellite campus leadership committee, the University Administration shall appoint a caretaker committee to undertake the functions of the SAMU/ Satellite campus leadership committee.

## CHAPTER 7

### FUNDS

#### 7.1 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.

#### 7.2 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 Kshs.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 all the four authorized signatories (Chairperson, Treasurer, Secretary General and the Dean of Students).
6. Requisition of any money shall be submitted through the Dean of Students for approval by the Vice-chancellor.
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 the 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 submit an up-to-date statement of accounts and reports indicating income and expenditure for each academic semester for approval and publication at every 6<sup>th</sup> and 12<sup>th</sup> week of every academic semester.

13. The Treasurer shall ensure that all books of accounts are submitted to MksU Internal Auditor at the end of every academic semester for audit purposes.

### 7.3 Allowances

OFFICIAL	TYPE OF ALLOWANCE	AMOUNT (KSH.)
The Chairperson	Monthly	8,500.00
The Vice Chairperson	Monthly	7,750.00
Secretary General	Monthly	7,850.00
Treasurer	Monthly	7,750.00
Secretaries	Monthly	7,500.00
Satellite Campus Chairperson	Monthly	6,500
Satellite Campus Secretary	Monthly	6,000
Satellite Campus Welfare Secretary	Monthly	6,000
Allowances for SGC Leaders	Day out	1,000
	Lunch	500
	Night out	3,000
Chairman of IECM	One off payment	5,000
	Air time (one-off payment)	1,500
	Meeting allowance	1,500
Secretary of IECM	One off payment	4,500
	Air time (one-off payment)	1,200
	Meeting allowance	1,300
Commissioners of IECM	One off payment	4,000
	Meeting allowance	1,000
	Airtime (one-off payment)	500
Clerks of IECM	One off payment	1,000
Security of IECM	One off payment	800
Electoral College Representative	One off payment	2,000

Table 1: Allowances for Students Governing Council and IECM Officials

*\*The meeting allowance for IECM Officials shall be payable for a maximum of four (4) meetings.*

The day out, lunch and night out allowances shall be subject to escalating clause which covers for any changes in the amount depending on the proximity which shall be determined by the Executive in consultation with the Dean of Students.

### 7.4 Students Governing Council Meeting Allowances

Payable meetings/sittings shall not exceed four in a semester. Allowances per meeting shall be paid as follows:

1. Executive member: Ksh. 1,000
2. Secretaries: Ksh. 900
3. Satellite Campus Leadership Committee: Ksh. 800

## 7.5 Bereavement of SAMU Member

If a SAMU member passes on, a sum of Ksh. 20,000 shall be given to the beneficiaries.

## 7.6 Support to Needy Students

SAMU shall avail funds for the award of bursaries to needy students. Available funds shall be determined from time to time by the SAMU Council. Allocation of bursaries shall be done by a SAMU Council Bursary Committee in conjunction with the Committee appointed by the Deputy Vice-Chancellor (Academic and Student Affairs).

## 7.7 SAMU Investment Committee

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

- |                                   |               |
|-----------------------------------|---------------|
| 1. The SAMU Treasurer             | ~ Chairperson |
| 2. Special Programmes Secretary   | ~ Secretary   |
| 3. The SAMU Secretary General     | ~ Member      |
| 4. University Students' Counselor | ~ Member      |
| 5. Assistants Dean of Students    | ~ Member      |

### 7.7.1 Role of SAMU Investment Committee

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

1. Receive the application fee through the Treasurer who shall be the Chairperson of the Committee
2. Review the rental fee which shall be banked by the Treasurer.
3. Advertise and vet the application for the respective investments
4. Forward the final selection of the applicants to the SAMU council for approval.



## CHAPTER 8

### 8.1 Interpretation

This Constitution shall be interpreted with due regard to the Laws of The Republic of Kenya, Universities Act No. 42 of 2012 (Amendment No. 48 of 2016), and the MksU Statutes (Schedule IX).

### 8.2 Review

This Constitution shall be reviewed from time to time as the need arises.

### 8.3 Amendment of the Constitution

1. Any ordinary member of SAMU may propose an amendment of the Constitution by proposing to the SAMU Council such amendment and requisitioning for a motion to amend.
2. The members of SAMU shall forthwith be invited by the SAMU Council to submit their views on the proposed amendment.
3. The members shall then vote through a referendum on the amendment. Any amendment to this Constitution shall be effected through at least by two-thirds of the votes cast in all Campuses and approved by the University Senate.
4. A motion for amendment of the Constitution shall be through a petition signed by at least 50% of the members of the SAMU Council.
5. Subsections (3 & 4 above) notwithstanding, any amendment that follows provisions of an Act of parliament (Republic of Kenya) shall automatically amend any provision of this Constitution without necessitating a referendum or following procedure stipulated herein.
6. Any amendment proposed by the SAMU Council with approval of University Senate purely for correction or rectification of an error apparent on the Constitution, or for purposes of ensuring clarity only is permitted as long as the proposed amendment shall be circulated by notice of thirty days to all members and any objection by way of a petition supported by at least two hundred (200) members is addressed in writing by the SAMU Council.
7. For avoidance of doubt, the Law of the Land, the University Statutes and Policies take precedence over any proposed amendments to the SAMU Constitution.

### 8.4 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 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 with its existing structure for the smooth running of SAMU affairs during the transition period and for preparations for the first elections under this Constitution. For avoidance of doubt, the term of the Transition Committee shall come to an end upon its dissolution and appointment of the Electoral Commission.
5. Any new office created under this Constitution shall be effected by operation of law through the first general election held under the provisions of this Constitution.

### 8.5 Entitlement

All the students of MksU shall be entitled to:

1. Participate in SAMU elections, or to be elected to the Electoral College, SAMU Council or Satellite Campus Leadership Committee based on provisions of this Constitution.
2. Actively participate in the proceedings of SAMU AGM.
3. Take part in all activities of SAMU.
4. Enjoy the right to public opinion during association, executive, and any other meetings convened by the Association.
5. Express his or her opinion in a proper and appropriate manner in any SAMU AGM or any other where SAMU has interest.
6. No official and/or member of the Association shall be harassed, victimized or suffer retribution as a result of carrying out their duties.