

**THE CONSTITUTION OF
DEDAN KIMATHI UNIVERSITY OF TECHNOLOGY
STUDENTS' ORGANISATION**

2015



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PREAMBLE

WE, the Students of Dedan Kimathi University of Technology:-

ACKNOWLEDGING the supremacy of the Almighty God of all creation and recognizing our responsibility before Him, humanity and to ourselves;

AWARE that Dedan Kimathi University of Technology Students' Organisation was created to serve the students community in its pursuit of academic excellence, social welfare, peace, competitiveness in the job market, and integrity;

RECOGNIZING the authority of the DeKUT Charter, DeKUT Statutes, Universities Act and the laws of the Republic of Kenya;

HONOURING the selfless efforts, setbacks, and successes of the pioneering and succeeding members;

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

PROUD of the diverse ethnic, cultural and religious backgrounds of our members;

RECOGNIZING that we have a Constitutional right of freedom of assembly, organisation, and expression and thus capable of joining this organisation as enshrined in the Constitution of the Republic of Kenya;

UNITED by common purpose and aspirations;

RESPECTING the environment which is our heritage and determined to sustain it for the benefit of future generations:

GUIDED by the principles, reason, courtesy, and genuine search of all virtues to live in comradeship, peace and to develop salubrious concord with other students bodies, person(s), institutions and all who believe in the ideals of justice, equality and truth:

DO HEREBY, with the consent of the University Council, adopt this Constitution.

MAY THE ALMIGHTY GOD, BLESS DEDAN KIMATHI UNIVERSITY OF TECHNOLOGY STUDENTS' ORGANISATION

CHAPTER ONE: NAME, STATUS, PURPOSE, SYMBOL, SCOPE OF OPERATION, AIMS AND OBJECTIVES

Article 1: Name

The name of the organisation shall be referred to as DEDAN KIMATHI UNIVERSITY OF TECHNOLOGY STUDENTS' ORGANISATION here after referred as "DeKUTSO".

Article 2: Status

- a) DeKUTSO shall be an internal, community oriented organisation, responsible for governance, representation and the well-being of its members in their academic, communal and social life in the University.
- b) DeKUTSO shall be subject to the Universities Act 2012, DeKUT Charter and Statutes, regulations and policies of the University.
- c) DeKUTSO shall be the supreme students' organ mandated to represent the interests of the entire students' body.

Article 3: Purpose

DeKUTSO is established for the purpose of promoting and protecting students' rights and interests, nurturing and developing leadership skills, encouraging and promoting worthy traditions of social, cultural, sports, arts and academic nature at the University.

Article 4: Symbol

The DeKUTSO Symbol shall be the logo as per Schedule 1.

Article 5: Scope of Operation

1. This Constitution shall apply to all DeKUTSO members.
2. DeKUTSO shall, in accordance with this Constitution, consist of the students in the General meetings, the Congress, the Governing Council and all the associated committees of the Governing Council established under this Constitution.
3. The Headquarters of DeKUTSO shall be at Dedan Kimathi University of Technology Main Campus.
4. With the approval of the Congress, campuses declared to be part of Dedan Kimathi University of Technology may establish branch offices of DeKUTSO.

Article 6: Aims and Objectives

The aims and objectives of DeKUTSO shall be:-

1. To uphold the University's Mission, Vision and Core Values,

2. To contribute towards a healthy academic, communal and social life for all the students in the University by ensuring the rights of students in academics, disciplinary actions, health services, catering and accommodation, welfare services, and security, are upheld and protected.
3. To act as a link between the students' body and the University Management.
4. To develop and nurture leadership skills and talents among its members.
5. To establish linkages with other students organisations of other universities and other external organisations.
6. To promote a positive students institutional culture and attitude towards the society.
7. To promote co-existence in a diversified student community by promoting equity and integration of all its members irrespective of their race, colour, sex, creed, marital status, age, nationality, political affiliation, ethnic orientation or physical disability.
8. To promote members participation in DeKUTSO activities.
9. To promote sustainable environmental conservation.
10. To raise funds through lawful means for purposes of achieving the aims and objectives of DeKUTSO.
11. To carry out such other activities that may be incidental to achievement of the above objectives.

Article 7: Interpretation of the Constitution

1. This Constitution is based on the ultimate supremacy of the students of Dedan Kimathi University of Technology (DeKUT) with regard herein and this Constitution shall be interpreted in a manner that:
 - a) Promotes the tenets of good education; permits creative development of the students; avoids technicalities which defeat the purpose of this Constitution; and advances the preamble statement of this Constitution.
 - b) A person or authority interpreting this Constitution may refer to matters and/or facts, which will assist in the purposive interpretation of this Constitution.
2. Unless, expressly otherwise, provided in this Constitution references to:
 - a) "Academic Year" shall refer to a period of study as determined by the University Council.
 - b) "Semester" shall mean a period of study as defined in the University Statutes.
 - c) "University" shall mean Dedan Kimathi University of Technology.
 - d) "Student" shall mean a student admitted to DeKUT programme for an award of a certificate, diploma or conferment of undergraduate or postgraduate degree.
 - e) "Act" the Universities Act No. 42 of 2012.
 - f) "*Bona fide* member" means and includes only those DeKUT students who have duly paid the non- refundable subscription fee.
 - g) "Annual Accounts" mean the balance sheet; the statement of income and expenditure; the statement of sources and application of funds.
 - h) "University Senate" shall mean the Dedan Kimathi University of Technology Senate.
 - i) "Constituency" shall mean a unit of representation in the organisation and shall include a College, Institute, School, Campus or Centre.
 - j) "Disability" includes any physical, sensory, mental, psychological or 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 individuals' ability to carry out day to day activities.
 - k) "Auditor" refers to the University's Internal Auditor.

- l) "University Management" shall mean and include the University Management Board, Senate, Deans, and Directors.
- m) "Students with Special needs" shall include students living with disabilities.
- n) "Unit" shall mean a unit of students' representation and shall include Schools, Institutes, Centers and Campuses.
- o) "The Constitution" means the Constitution of DeKUTSO.
- p) "The Student Council" refers to the body comprising of the elected officials of the students Governing Council and shall include the representatives of residential sectors, Faculties, Departments or any other representatives that may be determined by the University Council.
- q) "The Congress" shall mean the body as established under Article 14.
- r) "Main Campus" shall mean the Main Campus of Dedan Kimathi University of Technology situated along Nyeri-Mweiga road.
- s) "Governing Council" shall mean the executive body vested with powers to perform the main administrative and managerial roles of DeKUTSO.
- t) "Term" shall mean one calendar year.
- u) "Nominal roll" shall mean the list of students provided by the Registrar Academic Affairs for the previous semester for continuing students and current semester's list for first year students, and students who will be re-admitted during the semester during which elections will take place.
- v) "Residential sectors" shall mean the demarcated by the DSW areas hosting DeKUT students within DeKUT and its environs and registered with the Directorate of Students Welfare.

CHAPTER TWO: MEMBERSHIP

Article 8: Determination of membership

1. DeKUTSO shall openly admit students to its membership regardless of their race, colour, sex, creed, marital status, age, nationality, political affiliation, ethnic orientation or physical disability.
2. Any student admitted to the University for a Course leading to qualification for the award of a certificate, diploma or conferment of a degree of the University shall be a member of DeKUTSO and shall pay a non-refundable subscription fee every year as may be proposed from time to time by DeKUTSO Congress and approved by the University Council.

Article 9: Cessation of Membership

Membership shall cease where one ceases to be a DeKUT student.

CHAPTER THREE: RIGHTS, PRIVILEGES AND OBLIGATIONS OF MEMBERS

Article 10: Rights and Privileges of DeKUTSO Members

1. Every member shall have the right to inspect DeKUTSO books of accounts upon a written notice by the member to the Finance Secretary.
2. Every member shall have the right to attend the Annual General Meeting, Special General Meeting and Extra Ordinary Meetings of DeKUTSO.
3. Every member shall have the right to take part in all legal, valid, and legitimate activities organized and run by the organisation.
4. Every member will have a fair and equitable right to access the services and facilities offered by DeKUTSO, provided that such access shall not be through unlawful means, access by use of physical force, occupation of building or misuse of DeKUTSO facility or service.
5. Subject to the provisions of this Constitution, every member, except any member appointed to the Electoral Commission shall have the right to vie for any position declared vacant.
6. Every member of DeKUTSO shall be entitled to vote in elections held and conducted under the provisions of this Constitution. Members shall have the right to requisition for a vote to be taken in the AGM/SGM.

Article 11: Obligations of DeKUTSO members

Every member shall abide by DeKUTSO Constitution.

CHAPTER FOUR: THE CONGRESS

Article 12: Establishment of the Congress

1. There shall be established a Students' Congress.
2. The Students' Congress shall be subject to the provisions of the Constitution.

Article 13: Functions of the Congress

1. Congress shall have such authorities and responsibilities as provided in this Constitution and, in particular shall: –
 - a) Promote the purpose of DeKUTSO;
 - b) Make rules to regulate the Congress procedures;
 - c) Debate and propose DeKUTSO policies, make proposals and decisions tabled by the Governing Council;
 - d) Monitor the implementation of resolutions by the Governing Council;
 - e) Institute a probe into any suspected misdeed of any of the DeKUTSO organs;
 - f) Observe in all its activities, the University Policies as per the Statutes and be guided by the DeKUTSO Constitution.
 - g) Prepare budgetary proposals, and submit to the Director of Students' Welfare (DSW) for approval.
 - h) Consider and propose amendments to this Constitution as provided in Article 82;
 - i) Review allowances and remunerations of DeKUTSO officials subject to the approval by the University Management but applicable to the next successive government;
 - j) Delegate functions to any organ of DeKUTSO.
 - k) Consider and vote on motions of no confidence as stipulated in Article 28.
2. While carrying out its functions under Article 13 (1), Congress shall be expected to embrace good governance and adhere to the national values and principles of governance and the leadership and integrity principles as outlined in Article 10 and Chapter 6 of the Constitution of Kenya 2010 respectively. This shall include:-
 - a) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people,
 - b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized,
 - c) Good governance, integrity, transparency and accountability and sustainable development,
 - d) Objectivity and impartiality in decision making, and ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices,
 - e) Selfless service based solely on public interest, demonstrated by:-
 - i) Honesty in the execution of official duties,
 - ii) The declaration of any personal interest that may conflict with official duties,
 - f) Accountability for decisions and actions and,
 - g) Discipline and commitment in their service to the students.

Article 14: Composition of the Congress

1. The DeKUTSO Congress shall consist of:-

- a) Members of the Governing Council;
- b) Elected Congresspersons;
- c) Nominated Congresspersons;
- d) Director of Students Welfare as an ex-official member.

Article 15: Elected Members of the Congress

1. As determined in Schedule Two annexed hereto, each academic division of the University namely Schools and Institutes shall be represented in Congress by one member known as Schools/Institutes Representatives elected by and from the members who are duly registered for studies in that academic division at the time of elections.
2. Every new campus which is not represented by a Campus Governor shall have an interim Congress person, for a maximum of six (6) months.

Article 16: Nominated members of the Congress

1. DeKUT Students with Special Needs shall designate one of its members to represent it in the Congress, and this Congressperson, who shall be known as Special Needs Congressperson, must be of the sex opposite that of the Gender and Special Needs Secretary to the Governing Council.
2. Two residential sector representatives nominated by a Committee of Seven (7) appointed by the Governing Council, elected Congress persons and Special needs Congress person upon written application and should be of opposite gender.

Every nominated member of Congress shall have the qualifications stipulated for election to Congress in Article 63 and names of the nominated members of the Congress shall be presented seven (7) days after the elections.

Article 17: Recalls and Vacancies in the Congress

1. At any one time, members in a Unit may move a vote to recall their representative to Congress by collecting signatures of at least 2/3 of the members of the unit, which shall be passed through a resolution supported by at least 2/3 of the members of the Governing Council.
2. A member of the Congress shall cease to be in office if:-
 - a) He/she resigns, in writing addressed to the Secretary General of DeKUTSO within 7 working days; or
 - b) The member is recalled in accordance with subsection (1) here above; or
 - c) The member is convicted of a criminal offence by a court of law in the Republic of Kenya; or
 - d) By reason of physical or mental infirmity, such member is unable to execute the functions of the office; or
 - e) Circumstances that would have disqualified that member from election to Congress as addressed in this Constitution arise.
 - f) Upon his or her death.

Article 18: Regulations and procedures in the Congress

Subject to this Constitution, Congress shall make rules to regulate the procedures of Congress, specifically rules for the orderly conduct of proceedings.

Article 19: Summoning of Congress Meetings

The first sitting of the Congress shall take place at a time to be determined by the DeKUTSO President, but not later than seven (7) working days after the inauguration of Congress, thereafter, the Congress Secretary, after consultation with Congress Speaker, shall convene the proceeding meetings.

Article 20: Congress Meetings

1. Subject to the limitations envisaged in this Constitution in particular regard to the period of elections and subsequent inauguration to office, Congress shall meet at least twice in a semester.
2. The Speaker shall preside at all the sittings of the Congress but in his/her absence the Deputy Speaker and in the absence of the two, any other member elected by the Congress may preside.
3. The DSW, being an ex-official member, may attend the meeting and in his/her absence may send a representative from his/her office. Minutes/deliberations shall be submitted to the DSW within seven (7) days from the date of the meeting.

Article 21: Quorum in the Congress

1. The quorum needed to commence and conduct business in the Congress shall be two thirds of the members. However, if it is the case that—
 - a) Thirty minutes after the scheduled time for the beginning of the sitting, a quorum is not present, then the Speaker shall postpone the sitting to the same day in the next week at the same time and place.
 - b) If a quorum is not present within half an hour of the rescheduled sitting, then the Speaker shall commence and conduct business, and resolutions made in the sitting shall be binding to all members.
2. Any member absent from two consecutive meetings in a semester, without the prior written permission of the Speaker, shall lose his/her financial allowance for the month she /he is absent from the meeting of the Congress.
3. A member shall be deemed to have failed to attend a Congressional meeting if, without the Speaker's permission, the member is absent for more than half the duration of the meeting.

Article 22: Dissolution of the Congress

Congress shall stand dissolved 4 weeks before the end of the expiry of the term of the incumbent officers. However, Congress may represent students in the Senate, the Deans' Committee and School/Departmental Meetings. Congress shall receive their allowances up to the end of their term. The Congress **shall not** during this time hold meetings or make any rule/regulation.

Article 23: Speaker and Deputy Speaker of Congress

1. There shall be a Speaker and Deputy Speaker of Congress elected by the Congress from among the Congress members, other than members of the Governing Council, and during the first meeting of Congress after the general elections.
2. After their elections, the offices previously held by the Speaker and Deputy Speaker shall be declared vacant. The vacant positions shall be filled by the first runners up in their respective positions. In case of a tie in the 1st runners up, Congress shall vote. If the Speaker or the Deputy Speaker had been elected unopposed, the particular Unit shall elect/nominate a representative in accordance with this Constitution.
3. The person elected as a Speaker or a Deputy Speaker, shall cease to represent the Unit.

Article 24: Functions of the Speaker of Congress

1. The Speaker shall have the authority and responsibility as provided in this Constitution and, in particular shall-
 - a) Be the head of DeKUTSO Congress and preside over meetings of the Congress,
 - b) Enforce Congress rules;
 - c) Maintain order in Congress;

Article 25: Functions of the Deputy Speaker

1. The Deputy Speaker shall have the authority and responsibility as provided in this Constitution and, in particular shall-
 - a) Be the Congress Secretary
 - b) Keep true; accurate and up-to-date record of the proceedings of the Congress;
 - c) Send notice of meetings to members, in consultation with the Congress Speaker ;
 - d) Assume the role of Speaker in his/her absence; whereof Congress shall appoint a secretary for the particular meeting
 - e) Be the official advisor to the Governing Council on issues pertaining to Congress.
2. In the absence of the Speaker and/or the Deputy Speaker another member of the Congress shall preside over Congress meeting on election by the members present.
3. If the office of the Speaker and/or Deputy Speaker becomes vacant, Congress shall not transact any other business until a new Speaker or Deputy Speaker is sworn in.

Article 26: Vacation of the office of the Speaker and/or Deputy Speaker

1. The office of Speaker and/or the Deputy Speaker shall become vacant –
 - a) When the term of office of members of Congress ends; or
 - b) If Congress so resolves by a two-thirds (2/3) majority vote; or
 - c) By resignation in writing to Congress through the Office of Secretary General of the Governing Council and copied to the Director of Students Welfare.
 - d) The member is convicted of a criminal offence by a court of law in the Republic of Kenya; or
 - e) By death;
 - f) Suspension from DeKUT;

- g) Incapacitation by virtue of medical condition;
- h) Circumstances that would have disqualified that member from election as addressed in this Constitution.

Article 27: Voting in the Congress

1. Except where otherwise specified by this Constitution, all decisions in Congress are determined by a majority of the votes of the members present.
2. Secret ballot shall be used in voting.
3. The Speaker of Congress shall have a casting vote in case of a tie in the votes.

Article 28: Vote of no confidence or impeachment

1. A vote of no confidence may be moved against any member of Congress for:-
 - a) Blatant violation of this Constitution,
 - b) Gross misconduct
 - c) Persistent inability to execute the duties of office
2. A vote of no confidence in any Congress member or office bearer of the Governing Council shall originate from the Congress members as provided hereunder:
 - a) The vote of no confidence against the Speaker or Deputy Speaker or a nominated member of Congress save for the Special needs Congressperson shall be carried if at least two-thirds (2/3) of the Congress members reach *consensus idem in* favour of the impeachment.
 - b) The vote of no confidence against the Special needs Congressperson shall be successful if at least two-thirds of the special need unit/group sign and reach a *consensus idem* in favour of the impeachment.
 - c) The vote of no confidence against the whole of the Governing Council or any elected member of Congress thereof shall be successful only if at least two thirds of the students who voted the officers to be ousted into office sign and reach *consensus idem in* favour of the impeachment.
 - d) In the event of a vote of no confidence against the whole of the Congress as provided for herein, a general election in respect thereof shall be held within twenty-one (21) working days thereafter.
3. The procedure for a vote of no confidence as addressed under Article 28, Section 1(a) shall be as follows—
 - a) The proposer of the motion shall provide the Speaker and Deputy Speaker of the Congress and all members of the Governing Council including the member to be subjected to the proposed vote, and the DSW with a written notice of the intended motion detailing the grounds for such action as stipulated in Section 2, subsections (a), (b) and (c) of this Article,
 - b) Following notification of the foregoing members of Congress, the proposer shall ask the Congress to discuss the motion,
 - c) If the subject of the motion is the Speaker of the Congress then the Deputy Speaker shall preside at the sitting,
 - d) If two-thirds of all members of Congress agree to the member’s request, the entire Congress shall then consider the motion and the subject of the motion shall have an opportunity to respond to the charges before Congress.

- e) A vote of no confidence shall be passed by not less than a vote of two-thirds of all members of the Congress.

PROVIDED that, in the event of the vote of no confidence against the whole Governing Council, the Electoral Commission shall facilitate a general election. In case DeKUTSO members fail to elect new leaders, the Schools Committee shall facilitate election of an Interim Student Council (ISC) as provided for in Article 79 to run the affairs of DeKUTSO pending election.

Article 29: Communication to the students

All resolutions of Congress shall officially be communicated to members of DeKUTSO by the Secretary General through the appropriate means/media within forty eight hours (48) and copied to the DSW.

Article 30: Standing Committees of the Governing Council

1. All members of the Standing Committees of the Governing Council shall be constituted from the members of the Governing Council, as provided hereunder such that:-
 - a) The Academics, ICT and Library Facilities Committee shall be presided over by the ICT and Academic Affairs Secretary; and the members shall be;
 - i) ICT and Academic Affairs secretary
 - ii) Campus Governor
 - iii) Secretary General
 - iv) Health, Catering and Accommodation secretary
 - b) The Sports, Games, Gender and Entertainment Committee shall be presided over by the Sports and Entertainment Secretary; and the members shall be;
 - i) Sports, and Entertainment Secretary
 - ii) Gender and Special Needs Secretary
 - iii) Finance Secretary
 - iv) Deputy President
 - v) Security and External Affairs Secretary
 - c) The Finance Investment and Tendering Committee shall be presided over by the Finance Secretary; and the members shall be;
 - i) Finance Secretary
 - ii) Secretary General
 - iii) External Affairs and Security Secretary
 - iv) Campus GovernorThe Committee shall:-
 - i) Determine who to award DeKUTSO tenders for desired supply of goods or services; and/or determine how DeKUTSO can invest for profit; and/or
 - ii) Oversee the management of DeKUTSO investment projects if any.
 - iii) Work in liaison with the Governing Council.
 - iv) Undertake to give reports to Congress at every sitting.
 - d) The External Affairs, Catering and Accommodation Committee shall be presided over by the Security and External Affairs Secretary, and the members shall be;
 - i) Security and External affairs secretary

- ii) Health, catering and accommodation secretary
 - iii) Gender and Special Needs Secretary
 - iv) Sports and Entertainment Secretary
 - v) Deputy President
 - vi) Campus Governor
 - e) Public Relations and Campuses Committee which shall be presided over by the Deputy President, and the members shall be;
 - i) Deputy President
 - ii) 2 Campus Governors
 - iii) Secretary General
 - iv) Academic affairs and ICT secretary
2. All Governing Council Committees shall meet at least twice per semester and at most Five (5) times in a semester.
- a) Subject to the provisions of this Constitution, the Governing Council shall determine the terms of reference for Governing Council Committees, their rules of procedure and conduct.

Article 31: Director of Students' Welfare

1. The Director of Students Welfare shall –
- a) Be an *Ex-Officio member* of Congress.
 - b) From time to time address Congress on matters pertaining to the University Policies.
 - c) Provide oversight to Congress.
 - d) Be a mandatory signatory to DeKUTSO bank account.
 - e) Shall appoint a designee to attend to his / her responsibilities in his/ her absence.
 - f) Shall in consultation with the finance department provide oversight on financial matters.
 - g) Shall cause auditing of DeKUTSO accounts.
 - h) Shall be an ex-official member of all Governing Council committees and may attend the meetings.
 - i) Shall ensure compliance with ISO standards and observance of best practices.

CHAPTER FIVE: THE ORGANS OF DeKUTSO

Article 32: The Organs of DeKUTSO

1. The organs of DeKUTSO shall be—
 - a) The Students' Congress, also referred to as the Congress,
 - b) The Governing Council.

Article 33: Meetings of DeKUTSO

- a) The Annual General Meeting also referred to as the AGM,
- b) The Special General Meeting also referred to as the SGM or '*Kamukunji*'.

Article 34: AGM and SGM ('Kamukunji')

1. Every member shall have the right to attend the Annual General Meeting and any Special General Meeting.
2. Every member shall have the right to requisition that a vote be taken at the Annual General Meeting.
3. The Annual General Meeting, which shall normally take place before the date of dissolution, shall—
 - a) Approve the minutes of the last Annual General Meeting as presented by the Secretary General: The Secretary General should prepare minutes for that AGM and submit to the DSW within 3 working days from the date of the AGM who will be the custodian of those minutes.
 - b) Receive an overall report on DeKUTSO operations from the outgoing President,
 - c) Receive the annual financial report from the outgoing Finance Secretary,
 - d) Discuss any other business relevant to enhancing the functions and operations of DeKUTSO.
4. The President shall call the Annual General Meeting through a notice given at least seven calendar days before the designated date of the meeting.
5. Unless otherwise provided for in this Constitution, every resolution of the Annual General Meeting shall be by a simple majority vote of those present and voting at the meeting.
6. Voting at the Annual General Meeting shall be by the raising of hands, unless two-thirds of the members present and voting resolve otherwise.
7. Subject to the provisions of this Constitution, any member may petition the President to convene a Special General Meeting, and for such a Special General Meeting to occur, a written proposal, detailing the agenda for the meeting and signed by not less than five hundred members, shall be submitted fourteen calendar days before the proposed meeting to the President who must respond to the proposal in writing to the person who proposed the AGM and SGM within seven days of the proposal being served to him/her.
8. After receiving the petition for a Special General Meeting, the President shall bring the proposal before the Governing Council which shall decide whether the proposed meeting shall take place.
9. In consultation with the Governing Council, the President may call a Special General Meeting to address emergency issues.
10. Notices for holding an Annual General Meeting or a Special General Meeting shall be

issued by the Secretary General or in his/her absence by any other member of the Governing Council as shall be determined by the Governing Council when it decides to hold an AGM or SGM.

CHAPTER SIX: THE GOVERNING COUNCIL

Article 35: Establishment of the Governing Council

1. There shall be established a Governing Council of DeKUTSO.
2. Subject to the provisions of this Constitution, the Governing Council shall be the chief administrative and managerial organ of DeKUTSO.
3. The office of the Governing Council shall be located at the Main Campus of Dedan Kimathi University of Technology.
4. Meetings of the Governing Council shall be held at the Main Campus of the University.

Article 36: Composition of the Governing Council

- 1) The Governing Council shall consist of—
 - a) President,
 - b) Deputy-President,
 - c) Secretary-General,
 - d) Finance Secretary,
 - e) ICT and Academic Affairs Secretary,
 - f) Gender and Special Needs Secretary,
 - g) Sports and Entertainment Secretary,
 - h) Health, Catering and Accommodation Secretary
 - i) Security and External Affairs secretary
 - j) Other Campus Governors

Article 37: Executive Authority

1. The executive authority of DeKUTSO must be exercised for the benefit of DeKUTSO members in accordance to this Constitution, the laws of the Republic of Kenya, the Universities Act, DeKUT Statutes and DeKUT Charter.
2. Executive authority in DeKUTSO is vested in the Governing Council.

Article 38: Authorities and Responsibilities of the Governing Council

1. The Governing Council shall have the authority and responsibility provided for it in this Constitution and in particular shall—
 - a) Be fully responsible for the general administration of DeKUTSO,
 - b) Ensure that all members uphold this Constitution and that this Constitution is free from all willful interference,
 - c) Propose for the approval of the Congress policies and by-laws for the proper operation of DeKUTSO and its organs,
 - d) Implement resolutions made by the Congress,
 - e) Appoint and supervise other persons to manage DeKUTSO assets,
 - f) Keep accurate and timely records of DeKUTSO,
2. Any other function as may be assigned by Students Congress from time to time.

Article 39: Meetings of the Governing Council

1. The Governing Council shall hold at least three meetings in a semester and the other campus Governors shall attend at least one of these meetings in a semester.
2. The President shall convene every meeting of the Governing Council in a manner to be determined by the Governing Council during its first meeting following inauguration to Office.
3. The quorum for the commencement and holding of a meeting by the Governing Council shall be two-thirds of the members who should be present for not less than half the entire time of the meeting.
4. A member who fails to attend three meetings of the Council without a valid reason shall lose his/her financial allowance for the month in which he/she is absent for a third time from a meeting of the Council.
5. At a meeting of the Governing Council, the following shall preside—
 - a) The President,
 - b) In the absence of the President, the Deputy-President,
 - c) In the absence of both the President and the Deputy-President, any other member of the Governing Council elected by members at that time.

Article 40: Decisions in the Governing Council

1. Voting in the Governing Council shall be mandatory for all members and this includes voting in support of a resolution or rejecting a resolution.
2. Any matter proposed for a decision during a meeting of the Governing Council shall be determined by a majority vote of the members present.
3. Regarding a matter proposed for a decision during a meeting of the Governing Council, the member presiding at the meeting shall have a primary vote. In a case of a tie in the vote, he/she shall also have a casting vote.

Article 41: The President

1. There shall be a President of DeKUTSO.
2. The President shall have authorities and responsibilities as provided in this Constitution and in particular shall—
 - a) Preside at meetings of the Governing Council, the Annual General Meeting, and any Special General Meeting,
 - b) Address, at the invitation of the University, public functions of the University,
 - c) Represent DeKUTSO at the University Senate,
 - d) With the consent of the Governing Council, Congress, and the University's management, represent DeKUTSO at the national and international levels on issues relevant to DeKUTSO interests,
 - e) Ensure proper and cordial relations among the various organs of DeKUTSO and the University's administration,
 - f) Be a signatory to the DeKUTSO bank account for the purpose of withdrawals from these accounts,
 - g) Be responsible for the overall administration of the Governing Council,
 - h) Be the custodian of this Constitution and ensure that it is free of willful and malicious

- interference,
- i) Subject to the provisions of this Constitution and with the approval of the Governing Council, delegate or assign duties to any other member of the Governing Council,
- j) Address the first meeting of the Congress and every first sitting of Congress of the semester or as need arises.
- k) Request members of the Governing Council to provide reports during AGMs.

Article 42: The Deputy-President

1. There shall be a Deputy-President of DeKUTSO.
2. The Deputy-President shall have authorities and responsibilities as provided in this Constitution and in particular shall—
 - a) In the President’s absence, assume and act on the authority and responsibility of the President,
 - b) Coordinate the activities of the Governing Council with other organs of DeKUTSO,
 - c) Be in charge of any disciplinary matters within DeKUTSO’s jurisdiction,
 - d) Coordinate and facilitate community services and related projects,
 - e) Be the Chief Public Relation Officer of DeKUTSO

Article 43: The Secretary General

1. There shall be a Secretary General of DeKUTSO.
2. The Secretary General shall have authorities and responsibilities as provided in this Constitution and in particular shall—
 - a) Keep, in a proper manner, true, accurate and up to date records of the proceedings of every meeting of the Governing Council, the AGM, and SGM,
 - b) Subject to the directions of the Governing Council, maintain and have custody of all DeKUTSO correspondence,
 - c) Maintain the register of members,
 - d) As the Governing Council’s official spokesperson, communicate the Governing Council’s decisions to the members and administration,
 - e) Issue notices of meetings of the AGM and SGM,
 - f) Be a signatory of the DeKUTSO bank account.
 - g) Represent DeKUTSO at the University Senate.
 - h) Manage and regularly update the DeKUTSO website and liaise with the University’s Public Relations Office.
 - i) In consultation with the Governing Council, draw the DeKUTSO calendar of events.
 - j) Receive written Semester reports from members of the Governing Council.
 - k) Perform any other function as may be assigned by DeKUTSO from time to time.

Article 44: The Finance Secretary

1. There shall be a Finance Secretary of DeKUTSO.
2. The Finance Secretary shall have authorities and responsibilities as provided in this Constitution and in particular shall—
 - a) Observe acceptable fiducially practice in all DeKUTSO transactions.

- b) Be the custodian of DeKUTSO books of accounts.
- c) Ensure that every payment and expenditure is duly authorized by the Governing Council.
- d) At the beginning of the term of the Congress, prepare and present the annual budget to the Congress.
- e) Present audited financial statements to Congress at its last sitting before the AGM.
- f) Preside as Chairperson of the Finance, Investment and Tendering Committee.
- g) As determined by the Governing Council, supervise the procurement of supplies and facilities for DeKUTSO operation.

Article 45: The ICT and Academic Affairs Secretary

1. There shall be an ICT and Academic Affairs Secretary of DeKUTSO.
2. The ICT and Academic Affairs Secretary shall have authority and responsibility as provided in this Constitution and in particular shall—
 - a) Address issues arising directly from the academic interests of the members,
 - b) Enhance the provision of high quality academic facilities, resources, and services for world class academic programmes at the University,
 - c) Address issues concerning ICT,
 - d) Promote awareness among the members regarding student-related policies, procedures, and regulations of the University,
 - e) In consultation with the Governing Council, assist in the orientation of new members,
 - f) Liaise with elected Congresspersons on academic matters.
 - g) Perform other duties as may be assigned by DeKUTSO from time to time.

Article 46: Sports and Entertainment Secretary

1. There shall be a Sports and Entertainment Secretary of DeKUTSO.
2. The Sports, and Entertainment Secretary shall have authorities and responsibilities as provided in this Constitution and in particular shall—
 - a) Be the DeKUTSO Secretary responsible of sports, games, and entertainment matters;
 - b) Liaise with the Directorate of Students Welfare, University Sports and Games Department and the Chaplaincy Office to ensure members' welfare in matters pertaining to sports, games, entertainment and spiritual matters;
 - c) Develop Sports, Games, and Entertainment policy of the organisation;
 - d) Be the chair and nominate members of the Sports, Games, Gender and Entertainment Committee, as provided for under this Constitution;
 - e) Work in conjunction with the Gender and Special Needs Secretary to ensure equal opportunity in provision for and participation in sports, games, entertainment and spiritual matters programmes;

Article 47: Gender and Special Needs Secretary

1. There shall be a Gender and Special Needs Secretary of DeKUTSO.
2. The Gender and Special Needs Secretary shall have authority and responsibility as provided in this Constitution and in particular shall:
 - a) Supervise all DeKUTSO activities directly related to gender welfare, in particular, to network with organisations concerned about gender issues,

- b) Promote equity in DeKUTSO and the University,
- c) Liaise with the Gender, Disability and Equity Affairs Directorate of the University in disseminating information among members about the University's gender and sexual harassment policies and, in particular, keep the Governing Council informed of these policies,
- d) Receive and record grievances and requests on gender and special needs and forward them to the Governing Council for deliberation,
- e) Receive and record requests for financial assistance and, in particular, requests related to matters affecting needy students,
- f) Coordinate social welfare services to members and, in particular, transport, benevolence at times of bereavement, and related services,
- g) Represent members with disabilities in the Governing Council,
- h) Deal with matters related to the welfare of members with disabilities,
- i) Maintain updated records of members with disabilities,
- j) Promote the integration of members with disabilities in the University community,
- k) Research and disseminate information on programmes, facilities, and services available to persons with disabilities,
- l) Coordinate Disability Day and related activities,
- m) Advise DeKUTSO and the appropriate university bodies on ways of implementing progressive national and international policies regarding persons with disabilities within Dedan Kimathi University of Technology,
- n) Perform any other function as may be assigned by DeKUTSO from time to time.

Article 48: Health, Catering and Accommodation Secretary

1. There shall be a Health, Catering and Accommodation Secretary of DeKUTSO.
2. The Health, Catering and Accommodation Secretary shall have authorities and responsibilities as provided in this Constitution and in particular shall—
 - a) Be the DeKUTSO Secretary responsible for issues to do with health, catering and accommodation;
 - b) Be the liaison person of DeKUTSO in matters pertaining to health, catering and accommodation to the University Management,
 - c) Spearhead students' environmental conservation initiatives,
 - d) Subject to this Constitution perform duties as delegated to them by the Governing Council.

Article 49: Security and External Affairs Secretary

1. There shall be a Security and External Affairs Security Secretary of DeKUTSO.
2. The Security and External Affairs shall have authorities and responsibilities as provided in this Constitution and in particular shall —
 - a) Link the students with the external community.
 - b) Chair External Affairs, Catering and Accommodation Committee.
 - c) Communicate students' security issues with the University Security Officer.
 - d) Represent students' external interest and other issues to the Congress.
 - e) Promote security awareness among the students.
 - f) Receive and collect external students' views on matters affecting their welfare

grievances and in consultation with the Director of Students Welfare shall address matters arising from the following issues:

- i. Safety and Security.
 - ii. Other external matters affecting students.
 - iii. Transport to and from residential areas.
- g) Shall be the link person of DeKUTSO to the University Wardens.

Article 50: Other Campuses Governors

1. The other Campuses Governors shall have the authorities and responsibilities as provided in this Constitution.
2. They shall participate fully in the Governing Council and articulate the specific needs, aspirations and interests of their respective campuses;
3. They shall perform any other duty as may from time to time be assigned to them by the Governing Council.
4. They shall report to the Congress matters pertaining to their respective campuses.

CHAPTER SEVEN: DEKUTSO FINANCE AND PROJECTS

Article 51: Sources of DeKUTSO Funds

DeKUTSO funds shall be derived from –

1. DeKUTSO membership fees;
2. Revenue earned from investments;
3. Fund raising activities;
4. Donations and Grants approved by the University Management
5. Nomination fee from DeKUTSO elections
6. Revenue from rental premises
7. Fees/levies collected during DeKUTSO activities

Article 52: DeKUTSO Expenditure

1. All monies received for the purpose of DeKUTSO must be applied with thrift and stewardship as per the budget approved by Congress and the DSW to provide maximum benefit to DeKUTSO.
2. DeKUTSO funds may be used for the following purposes:
 - a) Bursaries and any other philanthropic activity.
 - b) Students' benevolent purposes
 - c) Remunerations and allowances
 - d) Any other DeKUTSO expenses authorized by the Governing Council within the budgetary limits set by Congress and the DSW.

Article 53: Remunerations and allowances

1. The financial allowances and benefits paid to DeKUTSO office bearers and committee members will be determined by the Congress from time to time, subject to approval of University's Management Board. Such determination is based on evidence of sustained increase in the income of DeKUTSO.
2. The financial allowances and benefits for the DeKUTSO office bearers and committees must not take effect in the life of the term of office of the bearers that determined or approved save for the 1st group of office bearers following the enactment of this Constitution.

Article 54: Signatories to the DeKUTSO Bank Accounts

1. DeKUTSO may, subject to approval by the Congress, operate any type of bank account with 4 (four) signatories as follows:
 - i. DSW
 - ii. President
 - iii. Secretary General
 - iv. Finance Secretary
2. Any transaction shall require 3 (three) signatories with the DSW as a mandatory signatory.

Article 55: Auditing of DeKUTSO books of accounts and Auditing reports

1. The Accounts of DeKUTSO shall be audited by the University's Chief Internal Auditor twenty one (21) days before the AGM.
2. The audited accounts and balance sheet shall be published after approval by Congress not later than seven (7) calendar days before the AGM.
3. The Finance Secretary shall table the report at the AGM and shall state in it whether or not DeKUTSO has kept proper books of accounts.

Article 56: Petty Cash:

1. The DeKUTSO Finance Secretary may keep such amount for petty disbursement as may be determined by the Congress and approved by Director of Students Welfare.
2. The Finance Secretary shall be required to account for use of the petty cash to the Governing Council before any other petty cash is withdrawn from the DeKUTSO account, failure to which, the Director of Students Welfare Division will not approve subsequent withdrawals.

CHAPTER EIGHT: ELECTIONS

Article 57: Elections

1. DeKUTSO general elections for various positions in the students' Congress shall take place within the semester within which the elections are to take place which shall be determined by the University Senate.
2. The following posts shall be contested during the general elections.
 - a) The President
 - b) The Deputy President (Shall be the running mate of the President and must be of a different gender)
 - c) The Secretary General
 - d) The Finance secretary
 - e) Sports, and Entertainment Secretary
 - f) Health, Catering and accommodation Secretary
 - g) Security and External Affairs Secretary
 - h) ICT and Academic Affairs Secretary.
 - i) Gender and Special needs Secretary
 - j) Faculty/ School/ Institute Representatives
 - k) Other Campuses Governors

Article 58: General principles of DeKUTSO elections

1. The electoral system is based on the twin principles of equality of the vote and subject to the provisions of this Constitution, the right of every member to vote and /or vie for election and hold elective office.
2. Elections must be free and fair, conducted through secret ballot and must ensure fair representation of all members.
3. The Electoral Commission will have power to design rules and regulations for the proper conduct of election to implement this section.
4. The candidates shall commit themselves to abide by the rules and regulations by signing a copy of the rules and regulations. Such rules shall be submitted to the Chairperson of the Electoral Commission for approval.

Article 59: Election of DeKUTSO officials

The election of DeKUTSO officials shall be conducted according to the provisions of this Constitution and the Electoral Commission's rules and regulations governing elections.

Article 60: Composition and establishment of the Electoral Commission

1. The Chairperson of the Electoral Commission shall be determined by the Schools Committee.

2. Chairperson of DeKUTSO Electoral Commission shall specifically apply for the position of the Chairperson.
 3. The DeKUTSO Electoral Commission shall consist of: –
 - a) 11 students as follows:
 - i. The Chairperson
 - ii. The Vice Chairperson
 - iii. The Secretary
 - iv. (8) Members with representatives from other Campuses.
- PROVIDED** that, in the absence of getting a suitable person from any Campus, the Schools Committee shall determine the candidate for that position.
- b) The Director Students Welfare or his representative;
4. The Electoral Commission members shall be appointed by the Schools Committee.
 5. The Schools Committee shall comprise of:-
 - i) Director of Student's Welfare
 - ii) Representatives of all schools

The Schools Committee shall appoint amongst themselves one member as the chair.

Article 61: Qualification for appointment to the Electoral Commission

For one to be qualified for appointment to the Electoral Commission he/she:-

- a) Shall be a full-time student,
- b) Must have a cumulative average of 60% and above,
- c) Must have been a DeKUTSO member for at least one academic year,
- d) Must be students who still have at least one academic year remaining in their programme.

Article 62: Authorities and Responsibilities of the Electoral Commission

1. Manage and oversee the DeKUTSO elections in consultation with the DSW.
2. Receive and scrutinize nomination papers and clear eligible candidates.
3. Determine and announce the dates for nominations and elections.
4. Give reasons in writing to the ineligible candidates.
5. Ensure compliance and adherence to election procedures and rules
6. Publish the list of successfully nominated candidates as well as the list of unsuccessful candidates and the disqualified candidates and shall post such notice of disqualification in the University Notice Boards or University website.
7. Take custody of the election materials before and after polling day.
8. Ensure the security of ballots and cast votes.
9. Appoint clerks, presiding officers and security officers who must be impartial.
10. Supervise the counting of votes.
11. Announce the results immediately the counting process is over at the polling station and submit certified copies of the election results to the Director of Students Welfare within three (3) working days after elections.

12. Oversee the inauguration of the Governing Council.
13. Conduct civic education or polling exercise to the voters before elections.
14. Authorise vehicular processions.

Article 63: Qualification for Election and/or Nomination to the Governing Council and Congress

1. A person qualifies to be nominated as a candidate for the Elections to the Governing Council and Congress only if that person: -
 - a) Is a student at the University with at least two semesters left for study,
 - b) For one contesting for the position of a Campus Governor, he/she must be a student studying at the respective campus in which he/she seeks to serve as the Campus Governor for at least 2 semesters,
 - c) Must be a full time student,
 - d) Must have a cumulative average of 60% and above hence at least a minimum mean grade of B,
 - e) Must have been registered at the university for at least one academic year.
 - f) Should not have been suspended or received a warning letter from the University Students' Disciplinary Committee,
 - g) For the post of the Finance Secretary, the candidate must have completed at least CPA section 2 or have completed at least 2 accounting course units in the University level or have an equivalent qualification,
 - h) Must be cleared by DeKUTSO Electoral Commission,
 - i) Should not have held the same post for two DeKUTSO terms.

Article 64: Disqualification from election and/or Nomination to the Governing Council and the Congress

1. Those who after being nominated express in writing their unwillingness to contest for any post during the elections. This has to be done within forty eight (48) hours after the nominations
2. Those who have held the same post in two-consecutive DeKUTSO terms.
3. Those who have not been cleared by the Electoral Commission.
4. Those who have ever been suspended from the University after the University Disciplinary Committee hearing for Violation of the student code of conduct or for any other reasons Students who have violated the University fees payment policy in the past as may be determined by the Finance Officer.
5. Members of the DeKUTSO Electoral Commission.
6. Candidates who fail to attend or send a representative and take part in the formal question and answer campaign and /or debate organized by the Electoral Commission in defense of their written manifesto as submitted to the chairperson of the Electoral Commission.
7. Conviction of an offence by a court of law or imprisonment.
8. Those who are already nominated as representatives for the same term of office as the vacancy they seeks to fill in such election.

Article 65: Terms of office

1. The Office Bearer(s) shall hold office for a term beginning on the date on which he or she is sworn in, and ending when the next elected office bearer(s) is sworn in, provided that the term does not exceed 1 (one) calendar year.
2. A Person shall not serve as a member of the Governing Council or the Congress for more than two terms.

Article 66: Election procedures

1. The chairperson of the Electoral Commission shall announce the date of elections within the 4th week of the semester within which the elections are to take place.
2. DeKUTSO Electoral Commission shall announce the dates and time for collection and submission of nomination papers which shall be available for collection from designated offices.
3. Duly completed nomination papers shall be submitted by the aspiring candidates to the office of Electoral Commission.
4. Upon receipt and scrutiny, the Electoral Commission shall release the names of the nominated candidates within four days after the nomination deadline.
5. The Electoral Commission shall declare a seven-day campaign period upon the release of the names of the qualified candidates. Candidates shall be required to conduct their campaigns peacefully and lawfully within the Campuses.
6. Any candidate who before nomination results are released and the campaign period declared, starts or purports to start campaigning or behaves in a manner likely to suggest or actually that he/she is campaigning, creates disturbance or does not abide by the election rules shall be disqualified from contesting by the electoral commission
7. The Electoral Commission will set aside one day as the official campaign day. The Electoral Commission will organize and release rules for the day.
8. The Electoral Commission shall register one nominated agent not later than four days before the polling day. The number of agents shall be determined by the Electoral Commission based on the number of polling stations.
9. The election shall be conducted in Main Campus and other designated Campuses between 0600 hours and 1700 hours on the voting day.

Article 67: Voting

1. All DeKUTSO elections shall be by secret ballot, simple majority system, on the principle of one member one vote.
2. After voting in the respective polling stations, the votes shall be counted at the respective polling stations.
3. The counting shall be presided over by the Presiding Officer in charge of every polling station in the presence of all candidates and/or their agents.
4. The Chairperson of DeKUTSO Electoral Commission shall announce within one (1) day and cause to be prominently published immediately thereafter the result of the elections after receiving them from all the polling stations.

5. A candidate shall be declared the winner upon acquiring the highest number of the valid votes cast subject to Article 69 Clause 14.

Article 68: Counting of Votes

During the counting of ballot papers:–

1. A spoilt vote shall not be tallied on to any of the candidates;
2. A candidate may voluntarily be personally present; and at no one time shall a candidate be barred from witnessing the counting of ballot papers.
3. For purposes of this section a spoilt vote shall mean one that is obliterated, or damaged or ambiguous or illegible that it cannot be deciphered the candidate for whom it was cast.

Article 69: Election Rules

1. Each candidate shall be allowed to register agents with Electoral Commission. Each candidate shall not have more than one (1) agent at a time inside a polling station.
2. Before casting a vote, the voter shall present his/her student identity card for verification against the nominal roll or any other document provided by the Registrar, Academic Affairs after which the name shall be crossed out.
3. Each voter shall be issued with one (1) ballot paper for each post being contested bearing names of all the contesting candidates and he/she shall indicate in the box against the names of their candidate of his or her choice voter's by either mark "X" or " ".
4. Any voter who may require assistance shall inform the electoral officials who in the presence of the candidates' agents, shall assist the voter to elect his/her preferred candidate.
5. Where the method adopted in the election is marking "X" or " " inside the box on the ballot paper, writing names, rubbing or any other marks shall not be accepted. Consequently, ballot papers with such marks will be declared null and void.
6. No campaign of any kind shall be allowed within the polling station. No member in possession of campaign material e.g. photos, leaflets, and portraits or any other campaign material will be allowed in the polling station or its vicinity. Any member found uttering campaign slogans or flashing signals or symbols will be barred from participating in the elections.
7. Candidates, agents or supporters will not conduct campaign in the voting halls during the polling day. Any contravention of this rule shall disqualify the candidate from the elections.
8. A candidate who conducts his/her campaign outside University premises or involve nonstudents in his/her campaign shall be disqualified from contesting in the elections.
9. The Electoral Commission shall seal any ballot box that is full in the presence of the candidate(s) or their agents.
10. At the expiry of voting time, the electoral officials shall immediately seal all ballot boxes.
11. The Presiding Officer (PO)/Commissioner shall then open the ballot boxes. The Clerk shall start counting immediately at the polling station in the presence of the candidates or agents.
12. The PO /Commissioner will ensure that order is maintained during and after the elections. Once counting is completed, the Electoral Commission Chairperson shall within one (1) day officially announce the results of the elections.
13. It shall be the responsibility of each candidate to avail himself/herself and/or his/her agent at the polling venue.

14. In case there is only one candidate contesting for a post, the DeKUTSO Electoral Commission shall arrange for a special ballot paper where voters shall either vote **for** or **against** that candidate. A simple majority must vote the said candidate. If the candidate fails to be voted by a simple majority, the Electoral Commission Chairperson shall declare new dates for a by-election. If in a by-election only one candidate protests for that post and the said candidate fails to secure a simple majority vote, the Governing Council shall appoint the person to fill the post.
15. In case of a tie, the Electoral Commission Chairperson shall order a recount. If there is still a tie after a recount, the Chairperson of the Electoral Commission shall declare a new date for polling. Only the tying candidates will contest in such a repeat election.
16. DeKUTSO Electoral Commission Chairperson shall submit to the DSW the names of the elected officials within 24 hours of announcing the election results.
17. The venues for campaigns and display of posters shall be determined and /or approved by the Electoral Commission in consultation with the DSW.

Article 70: Election Offences

1. The Electoral Commission shall disqualify a candidate from election for any of the following offences committed either by the candidate him/herself or systematically carried out by his/her election team:—
 - a) Rigging,
 - b) Use of physical force,
 - c) Intimidation,
 - d) Bribery,
 - e) Giving false or malicious information,
 - f) Mounting campaign posters outside places designated for such posters,
 - g) Holding campaign rallies in non-designated areas,
 - h) Hate speech,
 - i) Verbal abuse,
 - j) Foul language,
 - k) Slurs based on ethnicity, religion, gender, mode of study (i.e., Self Sponsored Programme, Kenya Universities and Colleges Central Placement Services) or year of study,
 - l) Drunkenness and rowdiness during campaigns,
 - m) Unauthorized vehicular processions inside and outside of campus,
 - n) Campaigning before the official campaign period,
 - o) Provocative and incendiary attacks on the Statutes, Regulations, and Policies of the University,
 - p) Defamation of any member of the University community,
 - q) Receipt of funding from political parties, interest groups/individuals and other illegal sources.
2. If the Electoral Commission convicts a winning candidate of a campaign offence, then it shall declare the candidate with the next highest number of votes to be the winner of election.

Article 71: By-Elections

1. By-elections shall only be conducted within the semester a vacancy arises and not during ordinary exam period.
2. By-elections shall be held whenever an office or seat falls vacant for the following reasons:-
 - a) Nullification of elections results
 - b) Resignation of a member(s) of the Governing Council/Congress
 - c) Cessation of an official to be a full time student
 - d) Cessation of studentship through expulsion or discontinuation by the University
 - e) Medical reasons or death
 - f) Imprisonment and conviction by a court of law.
 - g) Mental infirmity
 - h) Vote of no confidence in a member(s) Governing Council or elected Congresspersons.
 - i) Suspension from the University of a Member of the Governing Council or elected Congresspersons.
3. DeKUTSO Electoral Commission shall circulate a notice to this effect within a period of seven days after a position has fallen vacant.
4. DeKUTSO Electoral Commission shall conduct a by-election within seven (7) days of the office or seat falling vacant and shall follow the same procedure as provided for in this Constitution.
5. The Congress shall be empowered to fill through a nomination any uncontested posts within seven days after the By- Election.
6. The University's Legal Officer shall administer the oath of office for the officers elected in the General Elections or By-Elections within seven days of the announcement of the Elections or By-Election results.

Article 72: Dissolution of the Electoral Commission

1. The Electoral Commission shall hold office for a period of one (1) year from the date of its swearing in.
2. The Commission shall be called upon in case of a By-Election.
3. The Electoral Commission shall hand over their returns to the DSW during inauguration of new officials into office.
4. The Electoral Commission shall be entitled to allowances only during the period in which the elections or by-elections take place.

Article 73: Election Petitions

1. A petition may be lodged to the Elections Appeals Committee by a candidate or any member of DeKUTSO on the following grounds:
 - a) Whenever such a candidate or member has evidence that there has been a contravention of any election procedure or rule during the election period;
 - b) Whenever, there is evidence of bribing of voters, intimidation, and/or harassment of voters and/or candidates;

- c) Whenever there is evidence that a candidate has breached this Constitution.
2. A petitioner may bring a petition regarding nominations and campaigns and/or elections.
3. A petition must be lodged within the election period but not later than twelve (12) working hours after the announcement of results.
4. The Elections Appeals Committee shall determine petitions regarding nominations and campaign immediately.
5. The Elections Appeals Committee shall determine petitions one day after the receipt of the complaints.
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) judgment will be entered.
7. The results and recommendations of the Elections Appeals Committee shall be implemented.
8. Any resolution made by the Elections Appeals Committee shall be final, binding, and concrete.

Article 74: Elections Appeals Committee

1. There shall be an Election Appeals Committee, hereinafter referred to as “The Appeals Committee”.
2. The Appeals Committee shall consist of members of the Schools Committee. The decision of the Appeals Committee shall be final.
3. The Chair of the Appeals Committee shall be the Chair of the Schools Committee.

Article 75: Transition of office

1. The order for taking over office shall be as follows
 - a) Inauguration of the Governing Council
 - b) Handing over
 - c) Inauguration of the Congress

Article 76: Inauguration of the Governing Council

1. Newly elected members of the Governing Council shall be sworn in to office by the Legal Officer or his/her representative in a ceremony held in public within the University or as may be determined by the Electoral Commission in consultation with Schools Committee, within 7 days after Elections.
2. No member of the Governing Council shall be sworn in where there has been a petition against them.
3. Elected officials shall take office upon being sworn-in.

Article 77: Handing Over

During the inauguration ceremony, the outgoing members of the Governing Council shall hand over the documents/records and other instruments of office to the incoming members of the Governing Council.

Article 78: Inauguration of the Congress

There shall be a swearing in ceremony of the Congress conducted by the University's Legal Officer, during the first meeting of the Congress.

Article 79: Interim Student Council (ISC)

1. In an event, for one reason or the other, there are no elected officials; the Schools Committee shall oversee elections of an Interim Students Council (ISC).
2. The Schools Committee shall make rules and regulations for the conduct of the elections.
3. The election of ISC shall be conducted by voters nominated from various units of representation, each nominating one individual. These units shall include;
 - a) Each class in every department
 - b) Each registered club and society
 - c) Each registered sports and games club
 - d) Each religious group registered by the University
4. The ISC shall comprise of;
 - a) 5 elected members from the departments
 - b) 1 elected representative from each campus.
 - c) 1 elected member from clubs and societies
 - d) 1 elected sports and games representative.
 - e) 2 religious groups' representative.
5. The ISC shall assume the roles of the Governing Council, and any other roles that may be allocated to them by the University.
6. During the 1st meeting of the elected ISC members, they shall elect among themselves the officials as per Article 36 of this Constitution.
7. The ISC shall be in the office for a period starting from the day they are sworn into office until the next elected DeKUTSO officials are sworn in or as may be determined by the Schools Committee.

CHAPTER NINE: DeKUTSO DISCIPLINARY PROCEDURES

Article 80: Members Code of Conduct

1. All DeKUTSO members are subject to the University rules and regulations governing the conduct of students and discipline in the University as per schedule XII of the University Statutes.
2. The University shall deal with any violation of the Code of Conduct as per the University Statutes, regardless of whether the offence is prosecutable under the Law or not.
3. All cases pertaining to indiscipline in the organisation shall be forwarded to the DSW for further actions.

CHAPTER TEN: RULES AND REGULATIONS, TRANSITION AND MISCELLANEOUS

Article 81: Rules and Regulations:

1. Subject to this Constitution, rules and regulations to govern the functions of DeKUTSO shall be drawn by the Governing Council and shall be approved by Congress provided that such rules and regulations are not in any way contradictory or inconsistency with any provision of the University Charter, DeKUT Statutes, Universities' Act (2012), and this Constitution.
2. Any member of the Congress can also initiate a rule or a regulation in Congress.
3. The rules and regulations approved by Congress, and the schedules annexed hereto may be amended by a two-thirds majority vote in Congress.

Article 82: Amendments of DeKUTSO Constitution:

1. Any proposals for review and amendments to this Constitution shall be by a vote supported by 65% of DeKUTSO members in an AGM, after approval by at least 75% of the members of the Congress.
2. These proposals shall be tabled to the Senate for their recommendations to the University Council.
3. This shall not in any way prevent the University Council from making amendments it deems fit.

SCHEDULE ONE: DeKUTSO LOGO



SCHEDULE TWO: ELECTIVE UNITS

1. One representative from each School/Institutes Representative.
 - a) School of Engineering
 - b) School of Business Management and Economics
 - c) School of Computer Science and Information Technology
 - d) School of Health Sciences
 - e) School of Science
 - f) Institute of Geomatic, GIS and Remote Sensing
 - g) Geothermal Training & Research Institute
 - h) Institute of Tourism and Hospitality Management
 - i) Institute of Food Bio-Resources Technology
 - j) Institute of Technical and Professional Studies
 - k) Other Schools/Institutes as established in the University.

SCHEDULE THREE: CONGRESS ALLOWANCES

CONGRESS MONTHLY REMUNERATION	(% KSHS.)
1. President	100
2. Deputy President	87.5
3. Secretary General	87.5
4. Finance Secretary	75.0
5. Other Campus Governors	72.5
6. External Affairs and Security Secretary	72.5
7. ICT and Academic Affairs Secretary	72.5
8. Gender and Special Needs Secretary	72.5
9. Sports, Games, and Entertainment Secretary	72.5
10. Health, Catering and Accommodation Secretary	72.5
11. Congress Speaker	60.0
12. Congress Deputy Speaker	55.0
13. School/Institute Representative	50.0
14. Nominated Congress Members	45.0

- i. Where 100% means the monthly allowance paid to the President of DeKUTSO as proposed by the Governing Council in consideration of the financial ability of DeKUTSO and approved by the Congress subject to Article 53 (1).
- ii. The annual remuneration shall not exceed thirty (30) percent of DeKUTSO annual contribution.
- iii. Allowances shall not exceed 20% of DeKUTSO annual contribution in each year.

SCHEDULE FOUR: LETTERS OF APPRECIATION

DeKUT shall award letters of appreciation or certificates to:

- a) Members of the Congress
- b) Electoral Commissioners.
- c) Constitution Review Team.
- d) Club and Sports officials/office bearers.
- e) Members of the Interim Students Committee
- f) Any other student/ group of students with outstanding contribution to DeKUT

SCHEDULE FIVE: APPROVAL

The Council on this 24th day of August 2015 approves and declares this Constitution the Constitution of Dedan Kimathi University of Technology Students' Organisation (DeKUTSO).

EXECUTED FOR AND ON BEHALF OF THE DeKUT COUNCIL

Name

Signature.....

Council Chairman - Dedan Kimathi University of Technology

Name

Signature.....

Vice Chancellor- Dedan Kimathi University of Technology

