

The
Management
University
of Africa



Sponsored by the Kenya Institute of Management

**THE MANAGEMENT UNIVERSITY OF AFRICA
STUDENT ASSOCIATION (MUASA)
CONSTITUTION REVISED NOVEMBER 2019**

**THE MANAGEMENT UNIVERSITY OF AFRICA
STUDENT ASSOCIATION CONSTITUTION**

Was promulgated on

By

*In the presence of students, staff and stakeholders of
Management University of Africa
And witnessed by*

Dean of Students

Dr. Washington Okeyo

Vice Chancellor

“The Constitution is the guide which I never will abandon”

George Washington

First President of the United States (1789–1797)

TABLE OF CONTENTS

CHAPTER ONE	3
1.0 GENERAL INFORMATION	5
CHAPTER TWO.....	7
2. 0 MUASA.....	7
ARTICLE 1: NAME.....	9
ARTICLE 2: AIMS AND OBJECTIVES	9
ARTICLE 3: DEFINITION OF TERMS.....	4
ARTICLE 4: MEMBERSHIP.....	10
ARTICLE 5: RIGHTS AND OBLIGATIONS	11
ARTICLE 6: FUNCTIONS OF ADMINISTRATIVE ORGANS.....	13
ARTICLE 7: ELECTIONS AND BY-ELECTIONS.....	18
ARTICLE 8: RESIGNATION	25
ARTICLE 9: FINANCE.....	25
ARTICLE 10: AFFILIATIONS	26
ARTICLE 11: MEETINGS.....	27
ARTICLE 12: AMENDMENTS TO THE CONSTITUTION	32
ARTICLE 13: ARBITRATION.....	34
ARTICLE 14: DISSOLUTION	35
ARTICLE 15: MISCELLANEOUS.....	35
ARTICLE 16: INTERPRETATION OF THE CONSTITUTION.....	36
2.1 ABBREVIATIONS.....	3

ABBREVIATIONS AND ACRONYMS

AGM	:	Annual General Meeting
BDS	:	Bachelor of Arts in Development Studies
BML	:	Bachelor of Management and Leadership
DML	"	Doctorate of Management and Leadership
MBA	:	Master of Business Administration
MML	:	Master of Management and Leadership
MUA	:	The Management University of Africa
MUASA	:	Management University of Africa Student Association
ODL	:	Open and Distance Learning
SGC	:	Student Governing Council

DEFINITION OF TERMS

In this constitution unless the context indicates otherwise:

1. 'Academic year' means a year recognized by The Management University of Africa Senate and as published in the annual MUA University calendar
2. 'University Council' means The Management University of Africa Council as per Letter of Interim Authority
3. References to the 'University' are references to MUA as established in Letter of Interim Authority
4. Reference to 'Student' are references to a person validly registered by MUA or any other person who is determined by the Senate to be a Student of MUA
5. References to a male person are references to either male or female person, as the situation may be at the time of mention
6. References to Dean of Students are references to any person recognized by the University Council and designated as the Dean of Students of Management University of Africa
7. References to a 'Calendar Day' are references to a day in the week including weekends and public holiday
8. References to 'Office Bearer' are references to any person elected or nominated to hold position of authority and responsibility as provided in this constitution
9. "Student leader" means any student of Management University of Africa elected, nominated, or appointed to serve on behalf of MUASA members for a specified duration

CHAPTER ONE

1.0 GENERAL INFORMATION

1.1 VISION, MISSION, PHILOSOPHY AND CORE VALUES

The Management University of Africa (MUA) was born on 2nd September 2011 with the following Vision, Mission, Philosophy and Core Values.

1.2 Vision

To be a premier university providing management and transformative leadership solutions worldwide .

1.3 Mission

To pursue excellence in provision of quality education through innovative teaching and distinguished research to mould leaders, change agents and entrepreneurs with a global impact.

1.4 Philosophy

The Philosophy of the Management University of Africa is to be: - The University that provides an environment that develops transformational leadership and excellent management practices focusing on industry practitioners and communities passionate for innovation, change and transformation in the African context and beyond.

1.5 Core Values

The MUA is guided by the following core values:

- a) Lifelong and experiential learning: developing a learning culture in the university that continues throughout a person's life time
- b) Academic freedom: upholding the spirit of free and critical thought and enquiry, through open exchange of best practice, ideas and knowledge.
- c) Creativity and Innovation: Introducing new methods and interventions through Research and Development that ensure quality, efficiency, effectiveness and productivity.
- d) Integrity: ensuring excellence within the university by upholding professional and ethical standards, and accountability.

- e) Social responsibility:-providing leadership in responding to issues of national, regional and global concerns through collaborative efforts.

The vision, mission, philosophy and the core values are the anchors upon which the Management University of Africa is established.

CHAPTER TWO

2.0 Management University of Africa Student Association (MUASA)

The Management University of Africa Student Association (MUASA) represents the individual and collective interests of the entire student body in various constituent organs of The Management University of Africa. Through MUASA, the Management University of Africa complies with Kenya's University ACT 2012 which stipulates that every university should have a students' association and a Student's Governing Council elected by students. The University ACT section 41 points the following to be main functions of the student council:

1. To 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. To draw to the attention of the appropriate authority, where necessary, special needs form particular students;
3. To offer suggestions to the Senate or its equivalent on matters affecting the well-being of students; and
4. To undertake such other functions as provided in its governance instrument as approved by the Council.

As provided for in its constitution, MUASA holds free, fair and democratic elections once every academic year.

2.1 Mission Statement of MUASA

To champion the democratic rights of its members, consensus building, embracing the virtues and principles of social justice, integrity and constructive engagement . In liaison with other student organizations; MUASA seeks to advance and champion the collective national interests and concerns of University students.

- a) To engage in crisis management where integrity, dialogue and constructive criticism aimed at improving our University shall be embraced.
- b) To encourage comrades to be creative, innovative and observe moral and social justice.

2.2 Vision of MUASA

- a) To be an outstanding organizational point of reference in a just, democratic, transparent academic and scholarly environment at The Management University of Africa and beyond.
- b) MUASA remains morally obliged and duty bound to foster a peaceful and stable teaching, learning and research-enabling environment that will continue to propel MUA as a University and Kenya as a nation to greater heights of scholarly and socio-economic prosperity.
- c) To participate fully in University activities with the aim of making it achieve its vision of becoming a world-class University for the advancement of humanity.

2.3 MUASA Statement

Students are expected to play an integral role in the management of the University and have input in decision making especially in matters that affect them. In this respect, and in accordance with the MUA Statutes, there is a student association of all registered students of Management University of Africa recognized by Senate and Council. For purposes of representation in the Council and Senate, the students association elects its representative in accordance with its constitution. Students are also represented in other committees of the University in accordance with the University statutes. The student's association constitution is approved by Senate and Council and guides the association's activities. The MUASA holds its elections once every academic year in accordance with its constitution. Membership in the association is by payment of a prescribed membership fee and annual subscription in accordance with the constitution. The student association operates under the office of the Dean of Students, which also acts as the linkage between students and the administration. The association and its representative body play a very important role in the University. Students are therefore advised and encouraged to participate actively and positively in the affairs of their association.

CHAPTER THREE

The MUASA Constitution will have the following articles:

ARTICLE 1: NAME

There shall be a Student Association, the name of which shall be 'The Management University of Africa Student Association' (MUASA) (herewith to be known as the 'Association'. The head office shall be established within the premises of The Management University of Africa South C Campus. Office bearers shall operate within the confines of this constitution.

ARTICLE 2: AIMS AND OBJECTIVES

Review, inspect, propose change to, or creation of policy statement, rules and practices of the University to ensure the fair treatment and optimum services to all MUA students. The Aims and Objectives of the association shall be:

- 1) To uphold the Constitution of the Student Association
- 2) Be committed to be holding free and fair elections
- 3) To advance the education of its members.
- 4) Ensure equal participation in the students affairs at the University
- 5) To promote the general welfare of the students.
- 6) To promote co-operation amongst its members for social, cultural and athletic activities.
- 7) To provide a channel of communication between its members and the University Management and other bodies.
- 8) To stimulate the expression of student opinion within the University on all matters affecting the life and training of students and to represent this opinion to the university authorities.
- 9) To represent the members in all matters affecting their interest as members of the Association, regardless of class, gender, race, religion, sexual orientation or special educational need.
- 10) Distribute and publish a magazine or other publications in which students can express their views thoughts and creative talent

- 11) Carry out Resource mobilization activities through lawful means for purposes of achieving the aims and objectives of MUASA
- 12) To provide assistance to University administration to enhance the quality of Academic programmes
- 13) To undertake any other activity which does not conflict with this constitution or any other law or regulation in force or as laid down in the University Statutes and which is beneficial to the members

ARTICLE 3: MEMBERSHIP

SECTION 1: GENERAL

- 1) Any students admitted at MUA and registered for a course leading to qualification for the award of certificate, diploma, or degree of the University shall be a member of MUASA
- 2) A registered student is one who has paid University fees and registered during the semester if the Association has a reciprocal membership with other Student Unions, members shall be entitled to use the facilities in accordance with those arrangements on production of their Union cards.
- 3) Each student enrolled at MUA is required to pay the requisite fee of KSHs 350 per semester totalling to KSHs 1050 per year as MUASA fees.

SECTION 2: CESSATION OF MEMBERSHIP

Membership shall cease when:

- i. When a student completes his/her studies at the University
- ii. Dies before he completes his/her studies

Where for any reason, one falls into arrears with his union fees for more than one academic year, the Student Governing Council (SGA), however at its discretion shall reinstate such a member on his/her payment of the total amount of union fees outstanding

- iii. Cease to be a student upon expulsion or discontinuation by the University, provided MUASA shall have the right to nominate student representative to the University student disciplinary committee established by the University Statutes.

SECTION 3: REFUNDS

Any person who ceases or is removed from MUASA shall not be entitled to a refund of their Association fee or any part thereof or any monies contributed by them concerning the same.

SECTION 4: SUSPENSION

A member shall be suspended at the recommendation of a standing committee for a duration deemed just and reasonable and if at the meeting of the student congress it is resolved that such a member should be so suspended only on the grounds that his conduct has adversely affected the reputation or dignity of MUASA, or has contravened the provisions of this constitution or as stated in the students handbook.

Provided that a member whose suspension is proposed shall have the right to affair hearing, including the right to appear, address, submit, call witness or any other conduct consistent with rules of natural justice and in accordance with the letter and spirit of this constitution

SECTION 5: COMPENSATION

The elected student leaders will be compensated on a monthly basis by the University on agreed upon amount. The compensation amount is subject to change.

ARTICLE 5: RIGHTS AND OBLIGATIONS

SECTION 1: RIGHTS

Subjected as stated and or pertaining to this constitution, a member of MUASA shall have the right:-

- (i) To a fair and equitable - access to services and facilities offered by the association provided that such access shall not be through unlawful means
- (ii) To participate in the activities of the association
- (iii) To express opinions and ideas in a proper and lawful manner
- (iv) To elect and to be eligible for election or nomination upon clearance subject to conditions laid down in the constitution
- (v) To meet regularly with association's officials and to get regular feedback on decisions and activities of all the associations organs

SECTION 2: OBLIGATIONS

Every member shall:-

- (i) Recognise MUASA officials as the legitimate representatives of the student Body and shall abide by all constitutions Decisions and actions made by them Respect the property of MUASA , the University and the Public, and any member who maliciously causes damage to such property shall be subjected to the disciplinary provisions of the University and the Laws of Kenya.
- (ii) Participate in the proceedings of the MUASA meetings
- (iii) Express their opinion in any proper and appropriate manner in any meetings of the association and where MUASA has interest
- (iv) Be required to honour his/her financial obligations of MUASA.

ARTICLE 6: FUNCTIONS OF ADMINISTRATIVE ORGANS

SECTION 1: ORGANS

The organs of MUASA shall be:-

- (i) The Student Governing Council herein referred to as SGC

SECTION 2 (a): THE STUDENT GOVERNING COUNCIL (SGC)

The students' association shall be governed by students' council comprising of;

1. The CHAIRPERSON
2. Vice CHAIRPERSON - shall be a person of the opposite gender with Chairperson
3. Secretary General who shall be the secretary to the Council
4. Treasurer
5. Academic Representative
6. Sports, Clubs and Entertainment Secretary
7. Special Interests Secretary

Functions of the SGC:

- (i) Be responsible for the general administrations of MUASA.
- (ii) Implement the decisions of the Students Congress.
- (iii) Be responsible for the day-to-day running of MUASA.
- (iv) Have powers to deal with emergency matters but shall report to or seek the approval of the SC at the SC meetings.
- (v) Undertake any other matters referred to it by the SC.
- (vi) Have the powers to deal with any petition lodged to it by any member through the office of the secretary general on account that any organ of MUASA has failed to act as stipulated by the constitution. The said petition shall be tabled before the SC and be heard if signed by at least 20 members of the SC which shall sit within one week to hear the petition.
- (vii) Handle, manage or deal with any matter(s) directly affecting or pertaining to the governance of MUASA.
- (viii) Appoint and supervise other persons to manage MUASA assets.

- (ix) In the case of an emergency, the Governing Council may make decisions without due consultation with the Congress, provided that such decisions are made in the best interests of MUASA and that they are duly reported to the Congress.

SECTION 2 (b): QUORUM IN SGC MEETINGS

The quorum needed to commence and conduct business in SGC meetings shall be two thirds of the members. However, if it is the case that:-

- (i) Ten minutes after the scheduled time for the beginning of the sitting, a quorum is not present, then the Secretary General shall postpone the sitting and reschedule it for a time within seven days and ,
- (ii) If a quorum is not presented at the time for the rescheduled sitting, then the Secretary General shall commence and conduct business, and resolutions made in the sitting shall be binding on all members.
- (iii) A member shall be deemed to have failed to attend a Council's Meeting if, without the Chairperson's permission, the member is absent for more than Half the Duration of the Meeting.

SECTION 3: THE CHAIRPERSON

There shall be a Chairperson of The Management University of Africa Student Association (MUASA)

The Chairperson shall have full authority and responsibility as provided in this Constitution and in particular shall:-

- (i) Preside at Meetings of the Governing Council, the Annual General Meeting (AGM) and any Special General Meeting.
- (ii) Address, at the invitation of the University, Public functions of the University.
- (iii) Represent MUASA at the University Council, the University Senate and the Disciplinary Committee, unless he/she is the subject of a Disciplinary hearing with the consent of the Governing Council, Congress and the University's management, represent MUASA at the National and International levels on Issues relevant to MUASA's interests.
- (iv) Ensure proper and cordial relations among the various MUASA organs and the University's Administration.
- (v) Be a co-signatory to all MUASA cheques and other negotiable instruments.

- (vi) Articulate the policies of MUASA and provide exemplary leadership.
- (vii) Be responsible for the overall administration of the Governing Council.
- (viii) Be the Custodian of this constitution and ensure that it is free of wilful and malicious interference.
- (ix) Have the following emergency Powers:
- (x) Call an emergency meeting of the SGC and SC.
- (xi) To take emergency decisions on behalf of MUASA in extra ordinary circumstances when the SGC and the SC cannot be consulted but however reported to the Congress at its next meeting
- (xii) Address the first sitting of the Congress and every sitting of the Congress.
- (xiii) Subject to the provisions of this Constitution and with the approval of the SGC, delegate or assign duties to any other member of the SGC.

SECTION 4: THE VICE-CHAIRPERSON

The Vice-Chairperson shall:

- (i) Perform the duties of the Chairperson in the latter's absence.
- (ii) Perform duties delegated to him by the Chairperson as stipulated in the constitution.
- (iii) An automatic member of the students' welfare committee.
- (iv) Co-ordinate students' welfare services like transport, benevolence, sickness and funerals in liaison with the relevant directors and authorities.
- (v) Perform any other duties as may be required by the SGC.

SECTION 5: THE SECRETARY GENERAL

The Secretary General shall:

- (i) Be the Secretary General of MUASA and the SGC.
- (ii) Without prejudice to any article in this constitution, in consultation with the organizing secretary, call meetings of the SGC.
- (iii) Keep files, registers and minutes of MUASA.
- (iv) Be a co-signatory of MUASA financial transactions and documents.
- (v) Be an automatic representative of MUASA in the University Senate and The university council and the disciplinary committee unless otherwise.
- (vi) Be a custodian and maintain all correspondence records of MUASA.
- (vii) Be the Spokesperson of the Union.
- (viii) Perform any other duties of the SGC.

SECTION 6: TREASURER

The Treasurer shall:

1. Keep in a proper and true accurate and *up to date* record of every association's financial transaction in the University
2. Ensure association books of account are held in safe custody
3. Ensure that every payment and expenditure is duly authorized
4. Be a mandatory signatory to the association's bank accounts
5. Present audited reports to the Students' Council and to any other person entitled to such reports with or without notice.
6. Perform any other duty as may from time to time be assigned by Students' Council in so far as those duties are lawful and are within the provisions of this constitution, the university charter and other university regulations.

SECTION 7: THE ACADEMIC SECRETARY

The Academic Secretary shall:

1. Promptly raise any academic issues to the Students' Council;
2. Advocate for high quality academic standards, facilities, resources and services for effective and better academic programs at the campus
3. Represent **the association** at University committees meetings, as may be appointed by the Students' Council.
6. Enhance education on student-related University policy procedures and regulations among members of his/her faculty/school.
7. Initiate activities aimed at promoting academic excellence and fair competition within the University.
8. Perform any other relevant duty as may from time be assigned by the MUASA Executive Council in so far as the duties are lawful and are within the provisions of this constitution.

SECTION 8: SPORTS, CLUBS AND ENTERTAINMENT SECRETARY

The Sports, Clubs and Entertainment Secretary shall:

1. Be in charge of sports and entertainment activities on behalf of the association
2. Ensure that necessary training facilities are in place in the University
3. Liaise with relevant university officers on sports, games, clubs councils, to ensure proper provision of sports, games, and clubs and entertainment services
4. Ensure that all the activities scheduled and approved by the Students' Council jointly with university administration are implemented
5. Coordinate sporting activities both within and outside the campus and to liaise with sports captains in handling and solving grievances related to sports and report progress to the Students' Council
6. Work with sports captains to consolidate the sports budget for the campus in consultation with the university administration and advise on acquisition of sports equipment and the like
7. Preside over meetings of sports and recreation committee of the University with students
8. Prepare proposals to sources of supplementary funds aimed at sponsoring activities and sports awards for those who display exemplary performance
9. Ensure the subscription for outsourced services such as satellite television is paid for in time
10. Perform any other duty as may, from time to time to be assigned by the MUASA Executive Council in so far as the duties are lawful and within the provisions of this constitution, the university charter and other university regulations.

SECTION 9: THE SPECIAL INTEREST SECRETARY

The Special Interest Secretary shall:

1. Shall be nominated on a rotational basis from among the registered religious groups in the University for Consideration by the Electoral College prior to the elections. This shall be done in consultation with MUASA Executive Council under general guidance of Dean of Students. He/She will oversee matters of faith and shall observe secularism and other responsibilities stated in this constitution
2. Take care of religious groups, special needs, disabled and minority groups' interest at the University.

3. Monitor and recommend review on policies affecting persons with disabilities and special groups
4. Ensure the two thirds gender rule is implemented in execution the associations' affairs
5. Ensure forums to empower special groups and persons with disabilities are organized
6. Perform any other duty as may, from time to time to be assigned by the Students' Council in so far as the duties are lawful and within the provisions of this constitution, the university charter and other university regulations

SECTION 13: DEAN, STUDENTS AFFAIRS

The Dean, Student Affairs, shall:-

- (i) Be an ex-official member of the SGC, but shall not vote on any question before the SGC.
- (ii) Collaborate with SGC in preparing Budget proposals and monitor their implementation
- (iii) Advice SGC on the creation of new congressional areas and entities
- (iv) Be a mandatory signatory on MUASA Bank accounts
- (v) From time to time, address SGC on matters pertaining to University policies and provide guidance to Congress as need arises.

ARTICLE 7: ELECTIONS AND BY-ELECTIONS

General Principles of Elections:

1. The election process shall be subject to the provisions of this Constitution
2. Elections shall be free and fair so as to ensure fair representation of association members
3. Elections shall as much as possible be conducted through electronic system which shall be secure and free from any form of interference
4. Any ordinary MUA member may contest for any position in the Students' Council subject to provisions of this constitution.
5. The electoral system shall comply with the following principles--
(a) freedom of citizens to exercise their political rights under Article 38;
(b) not more than two-thirds of the members of elective public bodies shall be of the same gender; fair representation of persons with disabilities;
(d) universal suffrage based on the aspiration for fair representation and equality of vote;

and

(e) free and fair elections, which are--

(i) by secret ballot;

(ii) free from violence, intimidation, improper influence or corruption;

(iii) conducted by an independent body;

6. Every student's council shall be elected in accordance with this Universities Act and its membership shall reflect national diversity; and have not more than two-thirds of its members being of the same gender.
7. For purposes of conducting the election of the members of the student council referred to in subsection (3.2), the students' association shall constitute itself into electoral colleges based on either academic departments, schools or faculties, as may be appropriate.
8. The students of each electoral college constituted under subsection (7 above) shall elect three representatives - from amongst persons who are not candidates under subsection (3.2) ; and of whom not more than two-thirds shall be of the same gender.
9. The representatives of each Electoral College shall elect the members of the student council within thirty days of the election under subsection (8 above).

Section 1 Independent Electoral Commission of MUA

1) There is hereby established the Independent Electoral Commission of MUA (IECK) hereinafter simply known as Electoral Commission to conduct and supervise MUA Elections in each Campus of the University.

3) The Commission once appointed shall serve for a period of one calendar year. However, the Commission will 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.

Membership of IECK

The Electoral Commission shall consist of not less than three (3) and not more than seven (7) commissioners duly appointed under Article 7.1 and composed as follows:

1. Nominated members pursuant to Article 7.1 of this constitution, and
2. Ex-officio members who shall be the Dean of Students or his/her representative and the University's Chief Security Officer or his/her Representative.

Disqualification of Membership to the Electoral Commission

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

- 1) Is a member of the MUA Executive Council
- 2) Is seeking to contest or vie for a position in the elections

Lacks integrity, impartiality or for non-compliance with any other requirement stipulated under this Constitution or Elections Code.

Functions of the Electoral Commission

(a) The Electoral Commission shall:

1. Preside over the general elections, by-elections and any other 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, 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. Ensure that the voting procedure is simple and that the results are announced in a timely manner.
6. Carry out civic education on the importance and procedure of elections
7. Advice the University management to adjourn classes at the time they deem necessary in consultation with the Dean of Students on the day of elections.

(b) In addition to the above, the Electoral Commission shall have power to:

1. Conduct and supervise all MUA elections
2. Promote free and fair elections
3. Penalize any candidate who violates the election rules
4. Disqualify candidates in accordance with this constitution

General Election Regulations

- a. Each candidate shall be allowed to appoint an agent who shall help him or her in overseeing of the election activities
- b. Results will be announced by the chairperson of the electoral commission after closure of counting/tallying of votes
- c. An agent appointed by a shall have full mandate to witness counting or tallying of votes on behalf of the candidate.

Spoilt votes

Pursuant to provisions of this constitution on elections;

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

General Qualification for Candidature

(a) To qualify to be elected to any office in Students' Council:

1. One must be a student of University duly registered in the trimester during which elections are due to be held ;
2. One must be a paid up ordinary member of the association.
3. No candidate shall stand for election in more than one position in an election.
4. No candidate shall stand for election in any position unless he or she has been a member of the association for at least two semesters consecutively prior to the election date.
5. A member of the student council shall hold office for a term of one year and may be eligible for re-election for one final term.
6. A person who has held office as a member of the student council of a University for two terms is disqualified from election as a member of the student council of any other University or constituent college in Kenya.

7. Any student who will not have remained with at least one academic year as certified by the University Registrar shall not be eligible to contest for any position.
8. One must submit a certificate of good academic progress from the school and continuity from the office of his/her Dean or Director of the relevant Faculty, School or Institute upon verification of the same by the University Registrar.
9. One must be cleared by the Electoral Commission as satisfying the requirements for elections in accordance with the provisions of this constitution.
10. Every students' association shall, in consultation with the University, formulate and enact rules to govern the conduct of elections including regulation of campaigns, election financing, offences and penalties.

(b) A candidate may be disqualified for contesting any position in MUA elections if he or she:

1. Is appointed a member of the Electoral Commission
2. Has declared interest in contesting for a position certified by the Electoral Commission to be lower in rank to the one he/she previously held during the period prior to the elections.
3. Does not meet any of the requirements listed in Clause 5.2 (a).

SECTION 5: BY-ELECTIONS

By-Elections Shall:

- (i) Be held whenever an office falls vacant for the reason of, cessation of studentship, death, physical or mental infirmity, vote of no confidence or resignation.
- (ii) Take place within 21 days of the office or seat falling vacant and shall follow the same procedure as the General Election.

SECTION 6: VOTE OF NO CONFIDENCE

A vote of no confidence in any member of the Student's Congress or office bearer or the SGC shall originate from a member(s) of MUASA as provided here under:

- (i) For purpose of effecting this section the SC shall appoint a trustee.
- (ii) A vote of No Confidence in the Chairperson and any office bearer(s) shall require two third (2/3) majorities of the house members.

SECTION 7: ELECTION PETITION PANEL

- (i) There shall exist a MUASA petition panel, hereinafter referred to as "Panel" consisting of students' representatives from The Management University of Africa Chaired by a distinguished member of the Public appointed by the University Management in consultation with the SGC.
- (ii) The panel Chairman shall be appointed within five (5) days before the date of the elections. (Polling Day)
- (iii) The petition must be lodged within three days after the elections and must be signed by at least 15 members of MUASA.
- (iv) The Chairman of the Panel shall notify MUASA members of the lodged petition within forty eight hours of such lodging.
- (v) The petitioner or the respondent may be allowed to have a legal representation when putting his case.

SECTION 8: ELECTION OFFENCES

The Electoral Commission shall disqualify a candidate from elections for any of the following offences committed either by the candidate, him/herself or systematically carried out by his/her election team:-

- (i) Rigging
- (ii) Use of physical force
- (iii) Intimidation and harassment
- (iv) Foul language
- (v) Any form of Bribery
- (vi) Giving false or malicious information
- (vii) Sorcery and magic
- (viii) Drunkenness and rowdiness
- (ix) Mounting campaign posters for any candidate outside places designated for such posters
- (x) Slurs based on ethnicity, religion, gender, mode of study or year of study
- (xi) Unauthorized vehicular processions inside and outside of Campus
- (xii) Receipt of funding from political parties and interest groups
- (xiii) Campaigning before the official campaign period
- (xiv) Defamation of any member of the University Community

SECTION 9: SWEARING IN

The elected members of the Students Governing Council (SGC) shall be sworn in, in that order by the Returning Officer in conjunction with the Dean of Students.

The swearing in oath shall be:

I.....having
been Elected as
the.....of The
Management University of Africa Student Association do hereby swear and pledge to
diligently serve the Students of The Management University of Africa and the Republic of
Kenya and to impartially do Justice in accordance with this Constitution as by law
established, the laws and customs of The Management University of Africa, without any
fear, favour, bias, affection, ill-will, prejudice, or any political, religious or other influence. In
the exercise of the duties entrusted to me, I will at all times, and to the best of my knowledge
and ability, protect, administer and defend this constitution with a view to upholding the
dignity and liberties of MUASA members and the education system of Kenya promoting
fairness, independence, competence and integrity within it.

So Help Me GOD.

Name..... Signature.....

At.....on this.....day of.....

Before.....Signature.....

Returning Officer and

Before..... Signature..... Dean of Students.

ARTICLE 8: RESIGNATION

- (i) Whenever there is an occasion for the resignation of the entire SGC tendered, such resignation signed by the entire SGC, shall be tendered by the Chairman on behalf of the SGC.
- (ii) Save as may be expressly provided elsewhere in this Constitution, in the event of any member of the SGC wishing to resign, he shall tender his resignation in writing to the Chairman giving at least seven days' notice.
- (iii) Where the Chairman is the one resigning, he shall tender his resignation letter in person to the SC.

ARTICLE 9: FINANCE

SECTION 1: REVENUE

Finance committee with the approval of the SGC under the leadership of the Treasurer shall be responsible for raising MUASA revenues.

SECTION 2: EXPENDITURE

The expenditures of MUASA shall be approved in the first instance and audited on a day to day basis by the Treasurer with the guidance of the Dean of Students, **Finance Committee** and the SGC.

SECTION 3: CUSTODY OF ASSETS

The custody of assets of MUASA shall be vested in the Treasurer who shall dispose them off as per the financial regulations approved by the SC.

SECTION 4: FINANCIAL YEAR

The financial year of MUASA shall be set by the AGM.

SECTION 5: ANNUAL ACCOUNTS

The Treasurer shall prepare annual accounts and table them at the AGM after they have been audited and such accounts shall be signed by the Chairman and the Treasurer and in the absence of the Treasurer, Assistant Treasurer.

SECTION 6: BANK WITHDRAWAL

The following members are the signatories to the account;

- a) Dean Of Students
- b) Chairman Student Council
- c) Treasurer Student Council

The account is under the university hence for any transaction to take place the Dean of Students signature is mandatory, followed by the Chairman of the Student Council and the Treasurer. In the absent of the Chairman of the student council the signature of the treasurer will be used to approve the transaction.

SECTION 6: AUDIT

- (i) The accounts of MUASA shall be audited by a person qualified to audit accounts under the dictates of the accountant.
- (ii) To facilitate the audit, the auditor shall at all times have access to books and records of MUASA and shall be entitled to receive all the information and explanations that he may consider necessary for the purpose of his audit.
- (iii) The Vice Chancellor shall appoint the Auditor.

ARTICLE 10: AFFILIATIONS

SECTION 1: ELIGIBILITY

SECTION 1 (a): AFFILIATIONS WITH STUDENT ORGANIZATIONS FROM OTHER INSTITUTIONS

- (i) The Association may be affiliated to other student bodies in other institutions of higher learning.
- (ii) The Association shall not be affiliated to any Political Party.

Any other affiliation shall be made as follows:-

- (iii) Affiliation shall only be made following the approval of a meeting of a MUASA Student Congress.
- (iv) any such affiliations shall be financed by fund-raising activities:
- (v) grants from public funds shall not be used

- (vi) donations shall not be made from public funds

SECTION 1(b): MUA STUDENT CLUBS/ASSOCIATIONS

Any registered students organisations/associations or movement in the University may be affiliated to MUASA upon its affiliation to the SGC having been approved by the SC not less than fourteen (14) days after the reception of any such application provided that:

All its members are members of MUASA and provided further that the SGC shall consider each case on its own merits without prejudice to the forgoing section.

- (i) Racial, tribal, or age identity does not limit its membership.
- (ii) Its Constitution is not repugnant to the aims and aspirations of MUASA.
- (iii) It has not less than two (2) members.

SECTION 2: ANNUAL SUBSCRIPTIONS

All organisations after having so affiliated shall remit to MUASA Treasurer a subscription which shall be determined by the SC.

SECTION 3: RIGHT

The affiliated Societies may be eligible for financial aid from the MUASA through the Treasurer and on the approval of the SGC.

ARTICLE 11: MEETINGS

SECTION 1: CONVENING MEETINGS

- (i) All General Assembly meetings shall be open to all members of MUASA.
- (ii) All meetings of the General Assembly shall be convened by the Secretary General in consultation with the Chairman but:-
 - a. Where the secretary general fails to do so, the Chairman shall immediately convene the meeting in the prescribed manner.
 - b. Where the Secretary General and the Chairman are unable to call the meeting, any members of the SC constituting not less than fifty one (51) of its total membership shall convene a meeting and the meeting shall be presided over by any SC member appointed for that purpose..

c. The arbitrator shall be responsible for convening all meetings of the members to debate a motion of “No Confidence” in the SC.

SECTION 2: FREQUENCY

- (i) The SGC shall meet as often as there is need but not less than two (2) times during an Academic Semester.
- (ii) The SC shall meet at least twice per Academic Semester.
- (iii) The General Assembly shall meet only when necessary.
- (iv) The student congress shall meet at least twice in any academic year.

SECTION 3: STANDING ORDERS

- (i) The SC shall have a quorum of at least one third (1/3) of the MUASA SC.
- (ii) When any meeting of MUASA, a quorum is not realised within one hour after the time appointed for a meeting to start, the meeting shall be cancelled.
- (iii) During any meeting, should attention be called at any time after the commencement of business to the fact that a quorum is not present, the person presiding over the meeting shall order the names of those present, if less than a quorum, to be recorded and shall adjourn the meeting. In case of a general Assembly, however only the count shall be taken and no name recorded.

SECTION 4: ORDER OF BUSINESS

- (i) The Chairman or whosoever is presiding over the meeting at the beginning of each meeting shall read the agenda.
- (ii) All matters of the agenda shall take precedence over any other matter.
- (iii) Any notice of motion to be discussed at a further meeting may be given.
- (iv) Every agenda must provide for question time not exceeding thirty minutes. Any question may be asked during this time, but no debate of policy or motion shall be allowed.

SECTION 5: SUSPENSION OF STANDING ORDERS

- (i) The speaker in the event of any matter of urgency may accept a motion for the suspension of the standing orders.
- (ii) The member moving such a motion must clearly state the nature, urgency of his business, standing orders affected and the lengths of time (not less than thirty minutes) that the suspension should last. The time may be extended if the meeting so desires.
- (iii) The suspension shall take place unless two thirds majority of the members are absent.

SECTION 6: BREACHES OF ORDER

A member shall be guilty of a breach of order if he:

- (i) Uses derogatory language and declines to withdraw the same or offer satisfactory apology.

- (ii) Disobeys a lawful order from the Chair
- (iii) Conducts himself in a manner unbecoming of a member.
- (iv) Any member who commits a breach of order shall be suspended by the Chair.

SECTION 7: THE SPEAKER'S RULING

- (i) When the Speaker rises to order a member of/for any other purpose connected with the proceedings, the member speaking shall thereupon resume his seat and no other member shall rise until the Speaker resumes his seat.
- (ii) The Speaker shall maintain order in the meeting.
- (iii) The Speaker's ruling shall be final and unless successfully challenged by two thirds of the members present at the time of the meeting.

SECTION 8: MINUTES

- (i) Minutes of a meeting shall be recorded and members shall be free to ask any questions about matters arising out of the minutes.
- (ii) Questions shall be allowed only for information but no debate on policy outlined minutes shall take place.

SECTION 9: SELECTION BY THE SPEAKER

- (i) Members shall put up their hands to speak the first to catch the Speaker's eye shall be given precedence.
- (ii) Any member, other than the Speaker shall speak while standing, save in the SC committee meetings and shall address as "Mr. Speaker, Madam Speaker" or any other form as may be honourable.

SECTION 10: SPEECHES

- (i) Any member shall speak only once about any subject before the meetings, except on a point of order, information, guidance or privilege.
- (ii) A member may speak again on amendments.
- (iii) Members wishing to raise points of order, guidance or ask for a point of privilege must ask for permission from the Speaker.
- (iv) Any member may formerly second a motion or amendments and reserve his speech to a later period in the debate.

SECTION 11: MOTION AND AMENDMENTS

- (i) A motion shall be affirmative of character and commence with the word "that".
- (ii) Every motion or amendments must be moved and seconded by members physically present in a meeting.
- (iii) Any member may start with a speech and conclude by a motion on an amendment.
- (iv) An addendum to a motion shall be treated as an amendment.
- (v) The Speaker shall accept no motion when there is still a motion being debated.

SECTION 12: AMENDED MOTION

A motion successfully amended shall be called the amended motion and further amendments to any portion to the amended motion may be moved provided they are consistent with the business and have not been previously rejected.

SECTION 13: ORDER OF PRECEDENCE

- a) In any meeting, the following points shall be accepted by the Speaker in the following order:-
 - (i) Point of order
 - (ii) Motion
 - (iii) Point of affirmation
 - (iv) Point of guidance
 - (v) Point of Privilege

SECTION 14: RIGHT TO REPLY

- (i) The mover of a motion shall have the right to open a debate and to reply at the close of the debate.
- (ii) When the amendment is moved, the mover of the original motion shall be entitled to speak thereon in accordance with section 8 subsection a when the amendment is carried.
- (iii) The mover of an amendment shall not be entitled to reply.

SECTION 15: PROCEDURE

- (i) No motion shall be put to vote unless a motion “That the question be put” has been moved is carried.
- (ii) No further discussion and shall be allowed once the question has been put to the Chair.

SECTION 16: WITHDRAWALS

Once a motion or an amendment has been accepted by the Chair, it shall not be withdrawn without the consent of two thirds (2/3) of the members present.

SECTION 17: CLOSING DEBATE

- (i) The motion that “no vote be taken off the question”, that “we proceed to the next business”, “the question be put” that “motion or matter carries”, “may be moved and seconded by members who have not previously spoken on the same subject at any time during the debate.
- (ii) No speeches shall be allowed on such motions.
- (iii) If any of the motions mentioned in (a) of this Section of the motion of adjournment is defeated, fifteen minutes shall elapse before it can be accepted by the Chair, unless he is convinced that the circumstances have materially altered the meantime.

SECTION 18: ADJOURNMENT

- (i) Only a member who has not spoken may move an adjournment of a meeting or a debate under discussion on the question.
- (ii) Such a member in (a) of this section must confine his remarks to the question only.

ARTICLE 12: AMENDMENTS TO THE CONSTITUTION

SECTION 1: AUTHORITY

- (i) Any amendment to or of the Constitution shall be the sole domain of the General Assembly.
- (ii) Any amendment to or of the Constitution shall be approved by at least two thirds (2/3) of the bonafide members of MUASA in this session.

SECTION 2: PROCEDURE

- (i) A member intending to move an amendment shall register such intent with the Secretary General who shall sufficiently cause a notice to be published on the important notice boards.
- (ii) The intending member shall register intentions with the Secretary General not less than seven (7) days preceding the General Meeting and the intention must be supported by at least fifty (50) fully registered members of MUASA in session.
- (iii) The intention shall be in writing.

SECTION 3: NOTICE

- (i) Secretary General upon receiving the motion in accordance with section 2 shall call the congress, which shall sanction a meeting as per law where there will be a motion moved and debated in accordance with the laid down procedure.
- (ii) Congress may, with reasons, accept or reject any motion of amendment upon the fact that it is frivolous, vexations, repugnant or inconsistent with the organisation's constitution or any other law force in Kenya.
- (iii) If the mover is dissatisfied, he can move it before the SC but shall notify the congress that this motion be included in the agenda.
- (iv) Once a motion of amendment has been accepted by the Chair. It shall be withdrawn without the consent of two thirds (2/3) of the members present.

SECTION 4: RESOLUTION

- (i) Motion successfully amended shall be called " THE AMENDED MOTION"
- (ii) Once a vote of each succeeding amendment has been taken, the surviving proposition shall put to the vote the main question and if carried, shall become a resolution of the executive.

SECTION 5: ENACTMENT

- (i) Amendment that shall have been debated on and voted shall have the full force of law.
- (ii) If two thirds (2/3) of all bonafide members of MUASA in session have voted for it.

- (iii) If it has been read to all members present by the Chairman and members present have confirmed by way of “YES” that it’s the amended motion for which they voted.
- (iv) If it has been submitted to and approved by the University Council and written endorsement of the amendment has been received by the Vice-Chancellor subject to the amendment section of this Constitution.

ARTICLE 13: ARBITRATION

SECTION 1: GENERAL

There shall be an Arbitrator who shall be appointed by the General Assembly from among members of the University Academic Staff on the recommendations of the SC.

SECTION 2: ACTIONS

Without undue prejudice to any other provision of this constitution or of any other sub rules or procedure that may have been enacted expressly to ensure good governance or enabling the administration of MUASA. Every member of MUASA shall have a recourse to arbitration in cases of disputes, negligence, commission or omission; issues as may pertain to Member(s) against Member(s); Member(s) against the SGC or any other organ of administration.

SECTION 3: POWERS OF THE ARBITRATOR

- (i) The Arbitrator shall have the powers to judiciously exercise and properly direct his or her mind to the Issue(s) instituted and duly rose so as to hear and determine them. Further, he/she shall take cognisance or warn himself/herself of the provisions of This Constitution, The Constitution of Kenya, The Management University of Africa Actor any other laws or by-laws that may be in effect or which may be enacted from time to time.
- (ii) Section 3(a) notwithstanding, the Arbitrator shall be guided by all general principles of law including natural justice and doctrine of equity.
- (iii) The decisions of the Arbitrator shall be final and not subject to approval.

ARTICLE 14: DISSOLUTION

SECTION 1: PROCEDURE

- (i) When the motion of dissolution is made at the General Assembly requisitioned as in per the provisions of this constitution, the quorum sufficient to resolve the dissolution motion shall be two thirds (2/3) of General bonafide membership provided.
- (ii) During the Period of at least 6 months of the said Public Notice, the members shall be deemed to have directed their minds fully as to whether the proposed dissolution is necessary or not.

SECTION 2: RESOLUTION ON DISSOLUTION MOTION

Where however the date of the General Assembly wherein the dissolution is sought, the motion of dissolution is still passed by a vote of two thirds (2/3) of the whole membership, the said motion will be deemed resolved.

SECTION 3: CESSATION

Where such a motion to dissolve is duly passed, MUASA shall cease existence where after the Arbitrator shall settle any debts owing as first or paramount consideration: the assets or balances thereof shall be bequeathed to the Student Organisation, Youth Movement, Union or Project to whom the AGM OR SGM dissolving MUASA shall decide.

ARTICLE 15: MISCELLANEOUS

SECTION 1: RULES AND REGULATIONS

- (i) The SC shall have the power to enact other rules and regulations only for the purposes of effectuating elections, finance management and other procedure or conduct at meetings.
- (ii) Provided that such rules and regulations shall be enacted with absolute wisdom within the confines of this constitution in reference to the Kenyan Constitution.

SECTION 2: TRANSITIONAL PROVISIONS

For the first elections under this constitution, the following shall apply:

- (i) Members eligible to vote and to be voted for shall comprise all registered students of The Management University of Africa in Session.

- (ii) All acts which should be constitutionally undertaken by the SGC and SC shall be undertaken by the Electoral Commission as per this constitution.
- (iii) Procedural provisions of this constitution which may impede the immediate realisation of the first elections shall without prejudice to the substance of this constitution, be suspended up until the first election is done.
- (iv) As soon as the first SGC and SC are duly elected, the electoral commission shall be dissolved and all provisions of this constitution shall henceforth operate.

SECTION 3: REMUNERATIONS AND ALLOWANCES

- (i) There shall be sitting allowances for the Student Council and Governing Council
- (ii) The allowance shall be approved by the University Management
- (iii) Travelling allowances shall be approved by the relevant committees of the clubs and verified by Finance committee

ARTICLE 16: INTERPRETATION OF THE CONSTITUTION

With due regard to the laws of the Republic of Kenya and the explicit and implicit powers given to The Management University of Africa through the Interim Letter of Administration this Constitution draws its authority from the Members of The Management University of Africa student Association (MUASA)

The interpretation of this Constitution in case of a dispute shall be by the Dean of Students and shall be done in a manner that:-

- (i) Encourages the creative and responsible developments of students.
- (ii) Promotes the intent of this Constitution as stated in the Preamble.
- (iii) Avoid technicalities that defeat the purpose and jurisdictions of this Constitution.
- (iv) Enable members to reach the aims and objectives of MUASA as stated in Article 2.
- (v) The “Academic Year”, “Annual Year” or “Annual Meeting” shall refer to and comply with the Academic Year as per the University Calendar.
- (vi) “Bona fide Member” shall mean and include only the duly paid up members.
- (vii) “The Students’ Congress” shall mean the body comprising all the Congress members.
- (viii) “Annual Accounts” shall mean the balance sheets, the statement of income and expenditure and the statement of sources and application of funds.

