



THE CO-OPERATIVE UNIVERSITY OF KENYA

THE CONSTITUTION

OF

**THE CO-OPERATIVE UNIVERSITY OF KENYA
STUDENTS' UNION**

(CUKSU)

Constitution

(Revised, 2017)

**THE CO-OPERATIVE UNIVERSITY OF KENYA STUDENTS'
UNION (CUKSU) CONSTITUTION, 2017**

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THE CONSTITUTION

PREAMBLE

We, Students of THE CO-OPERATIVE UNIVERSITY OF KENYA (CUK), ACKNOWLEDGE the supremacy of the Almighty God of all creation.

RECOGNIZING The Kenyan Constitution 2010, Universities Act 2012, The Co-operative University charter, University statutes, Regulations governing the contract and discipline of students and any other laws of the land in all activities of the University.

Are Aware that the students union was created to serve the student community as they pursue social and academic welfare, peace, prosperity, integrity and dignity.

CAUTIOUS AND PROUD of our ethnic, cultural and religious diversity and determined to live in peace and harmony at the University.

HONOURING the selfless efforts, drawbacks and success of the founding and succeeding members.

COMMITTED to the democratic values of transparency, accountability, respect of human rights and social justice which must be institutionalized in our system of association so as to ensure democracy is enjoyed by all.

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

APPRECIATING that this Union is non-political.

We the students of The Co-operative University of Kenya hereby come together, in free will to establish this Constitution for expressing our ideas, beliefs, concerns and activities to the University.

Exercising our right to determine the form of leadership, we deem suitable for our UNION,

Conscious of our sacred role as the foundation upon which the promotion of our solidarity and strength depends,

ADOPT, ENACT and give this constitution to ourselves and our future generation as our supreme governing law.

DEFINITIONS

- (a) "Academic Year", refer to and comply with the academic year as per the University calendar.
- (b) "Affiliate Member" refers to a member from any institution of the University recognized by the Union.
- (c) "Annual Accounts" mean the balance sheet; the statement of income and expenditure; the statement of expenses and application of funds.
- (d) "Associate member" refers to a member who has made himself/herself a partner by paying a subscription fee as will be determined by the Student Council.
- (e) "Bona fide member" means and includes only those persons who have duly paid the non-refundable subscription fee.
'Congressperson(s)' means members elected by all students to represent various congressional entities.
- (f) 'Special needs' 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 ordinary day-to-day activities.
- (g) "External Auditor" refers to any person with the recognized accounting qualifications who is not a member of the Students' Council.
- (h) "Organization" shall mean Co-operative University students union
- (i) "Semester" means a period of study consisting of sixteen weeks or its equivalent in contact hours and includes University examinations.
- (j) "Special Meeting" refers to a meeting where two-thirds (2/3) majority of its members has not been realized.

- (k) "Special Interests group" shall include students with disabilities and foreign student.
- (l) "Statutes" means statutes made pursuant to the Act of the University.
- (m) "Student" means a person who is registered as a student of CUK during a current academic year for a first or higher degree, diploma, certificate or such other qualification or course of the University as may be approved by the Senate as qualifying a person for the status of a student, but does not include a student of an affiliated institution who is registered for examinations leading to the degree, diploma, certificate and other academic award of the University College.
- (n) "The Constitution" means the Constitution of CUKSU unless otherwise stated.
- (o) "The Student Council" refers to the body comprising of officials elected by the students and includes SGC, the representatives of congressional entities or any other representatives that may be determined by the University Council.
- (p) "University" refers to The Co-operative University of Kenya.
- (q) "Union" shall mean Co-operative University Students' Union.

ACRONYM

AGM	-	Annual General Meeting
CUKSU	-	Co-operative University of Kenya Student Union
CUK	-	The Co-operative University of Kenya
SGC	-	Students Governing Council
SGM	-	Special General Meeting
COC	-	Constitution Oversight Committee

CHAPTER ONE

THE CO-OPERATIVE UNIVERSITY OF KENYA STUDENTS UNION

ARTICLE 1; NAME AND INSTRUMENTS

(1) The organization of students at **THE CO-OPERATIVE UNIVERSITY OF KENYA** shall be known as **THE CO-OPERATIVE UNIVERSITY OF KENYA STUDENTS UNION** herein, also referred to as **CUKSU**, and which shall be duly approved by the University Governing Council.

(2) There shall be CUKSU instruments as follows-

- a) The logo as it appears in the constitution
- b) The seal

CUKSU instruments **SHALL NOT** be used without the authority of the SGC

ARTICLE 2: REGISTERED OFFICE OF CUKSU

The Head Office of **CUKSU** shall be situated at the Main Campus (Karen) of the University; P.O. BOX 24814 - 00502 NAIROBI, **TEL 020 - 2430127** KENYA.

However, any faculty, school, campus or institution declared to be part of the University may be allowed to create a branch office within its Constitution upon approval by Student Governing Council (SGC) provided that such branch office shall not be within the Main Campus and that such branch office shall be accountable to SGC.

Article 3: Aims and Objectives

The aims and objectives of **CUKSU** shall be –

1. To promote and protect the rights of students in academics, disciplinary actions, administration and health services, catering and accommodation, social welfare services and security.
2. The promotion of academic welfare of the students in CUK by being a link between the students and the academic staff on academic matters affecting students.
3. To liaise and foster co-operation between Students and University administration, and;

4. To seek representation and or participation in all relevant organs of the University Administration as provided by the University statute, and;
5. Ensure equitable gender representation and participation in student affairs in the University, and;
6. To promote the participation of members in projects of national development and any other field of national undertaking and to inculcate a spirit of nationalism and patriotism in the students, and;
7. To develop a sense of responsibility for the students conduct and for the Welfare of the University, and;
8. To ensure that students activities achieve their maximum effectiveness, and;
9. To be the voice of its members for purposes of advocating for the needs and interest of CUK students, and;
10. To encourage continued cooperation among former CUK students through the Alumni Association, and;
11. To raise funds through lawful means for purposes of achieving the aims and objectives of CUKSU, and;
12. To distribute and publish a magazine or other authorized publications in which students can express their views, thoughts and creative talents, and;
13. To foster spirit of co-operation, initiate, promote and co-ordinate co-curricular activities of the students, and;
14. Assist the University authorities in their endeavors to find a solution to Students problems and grievances ,and;
15. Such other objects as shall be relevant to the furtherance of the aims of the Organ.

CHAPTER TWO

ARTICLE 4: MEMBERSHIP

(1) Eligibility

- i. Membership shall consist of all students registered in the University.
- ii. Membership to the UNION shall be free from discrimination on the basis of race, colour, creed, sex, marital status, personal appearance, age, national origin, political affiliation and physical or mental disability.

(2) Determination of Membership

There shall be four (4) categories of membership-

- a) Ordinary membership
- b) Associate membership
- c) Affiliate membership
- d) Honorary membership

1. Ordinary membership

- i. A Student registered at CUK shall be an ordinary member of CUKSU upon payment of annual subscription fees as shall be determined from time to time by the CUKSU SGC and passed by the Academic Board for University Governing Council approval.
- ii. A part – time Student shall be a complimentary member and shall acquire such membership upon payment of such fees as determined.

2. Associate membership

- i. Associate membership shall be open to all duly admitted Post Graduate students of the university or any member of staff who is a student.
- ii. Associate member shall pay annual subscription fee as shall be determined from time to time by the CUKSU SGC and passed by the Academic Board for University Governing Council approval.

3. Affiliate membership

- I. Any other person from any other University recognized by the SGC desiring to be a member of the union and who in the opinion of the SGC does not fall under any of the categories specified in this section 1, or 2 above shall be granted affiliate membership as determined by SGC and passed by the Academic Board for University Governing Council approval.

4. Honorary membership

- I. The organization may by a resolution passed by the congress, invite any past member of the organization or any person who, on the recommendation of the congress and approved by the senate and council, has rendered valuable service and/or contribution to the organization or University, to become an honorary member of the organization.
- II. Any former member may apply to the SGC to be an honorary member of the organization.

ARTICLE 5: RIGHTS OF MEMBERS

Subject to provisions of this Constitution unless stated to the contrary, ordinary members shall have the following rights and duties within **CUKSU**;

- i. Every member will have a fair and equitable right to access the services and facilities offered by **CUKSU**, if such access shall not be through unlawful means such as access by use of physical force, occupation of building or misuse of **CUKSU** facility or service.
- ii. Subject to the provisions of this Constitution, any member appointed to the Electoral Commission **CUKSU** or the Elections Appeals Committee, shall not have the right to vie for any position declared open for contest unless he/she resigns from the position.
- iii. To meet ONCE a semester and collectively with the Unions officials and to get regular feedback on decisions and activities of all the Unions organs.
- iv. Every member has the right to access the contents of this constitution.
- v. Any member appointed to the Electoral Commission of **CUKSU** or the Election Appeals Committee of **CUKSU**, shall be entitled to only one vote for each of the positions contested by more than one member at elections held and conducted under the provisions of this Constitution.

- vi. Any member shall have the right to inspect **CUKSU** books of accounts having given a notice of at least twenty one (21) days written notice to the Treasurer
- vii. Every member shall have the right to requisition for a vote to be taken in the AGM
- viii. The right to freedom of speech and expression in accordance with the Constitution of Kenya and all other written laws.
- ix. The right to take part in all authorized students' activities.
- x. Clause (viii) above shall not extend to:-
 - i. Spreading hate speech
 - ii. Propaganda
 - iii. Causing physical harm and destruction of property.

ARTICLE 6: OBLIGATIONS OF MEMBERS

- i. Every member shall respect **CUKSU** officers (including decisions and actions legally made and taken by them) as established in this Constitution.
- ii. Every member shall respect property owned by **CUKSU**, the University and the public; and any member who, with malice, causes damage to property owned by **CUKSU**, the University or the public shall be subject to the disciplinary provisions of **CUKSU**, the University and the Laws of Kenya.
- iii. To adhere to the Constitution and the decisions regularly made by the organs of the Union.
- iv. To pay a membership fee upon registration and any other contribution as may be required.
- v. To participate in an effective way in the activities of the Union and give full assistance in all the actions undertaken by the Union provided these actions conform to the Constitution.

ARTICLE 7: CESSATION OF MEMBERSHIP

- a. A member of **CUKSU** shall cease to be a member only upon completion of studies at the University ;and/or, when such member ceases to be a student at the University or involuntarily cease to be a member in case of an honorary member.
- b. Any member who ceases to be a member of **CUKSU** shall not be entitled to any refund of subscription fee or any money or donation to any part thereof contributed by him/her at any time.
- c. If for any reason, a member falls into arrears with his/her union fees for more than one academic year. The SGC may, however, its discretion; reinstate such member on payment of the total amount of union fees outstanding
- d. Cease to be a student on account of transfer to another university, or death or expulsion or discontinuation by the University Council.
- e. If he/she has been convicted of an offence by a competent court of law in Kenya.

CHAPTER THREE

ARTICLE 8: ORGANS OF CUKSU

The organs of CUKSU shall be as follows:

- (i) The Students Governing Council(hereinafter referred to as the “SGC”
- (ii) The Congress
- (iii) Subject to the approval of the congress any other organ determined by the SGC.

ARTICLE 9: THE STUDENTS GOVERNING COUNCIL

- I. There is established a Student Governing Council (SGC) of CUKSU which subject to this constitution shall be the supreme authority of the organization.
- II. The head office of the SGC shall be at the main campus of The Co- operative University of Kenya.

(1) Composition of the Students Governing Council

The Student Governing Council shall comprise of the following;

- a) The Chairperson
- b) The Vice Chairperson who shall be of the opposite gender to the chairperson
- c) The Secretary General
- d) The Treasurer
- e) Three other members to represent special interest of students who shall be known as:
 - i. The Campus Representative who shall come from other campuses.
 - ii. The Gender and Special Needs Secretary who shall be a woman
 - iii. The Social Welfare and Co-curricular Activities Secretary

(2) Functions of the Students Governing Council

The Students Governing Council shall be the supreme organ of the CUKSU and shall carry out the following functions:

- i. Uphold and protect the Constitution of the Union;
- ii. Determine the general policies of the Union;
- iii. Approve the programmes and budget of the Union;
- iv. Be responsible for the policy directives to be executed by the SGC Committee
- v. Undertake or direct the SGC Committees to undertake such other tasks as are compatible with the aims and objects of the Union.
- vi. Establish committees to carry out the respective functions of the Union.
- vii. In consultation with the Registrar (Academics) and the Dean of Students (DOS) coordinate the orientation of new members.

(3) Powers of the Students Governing Council

- i. The Students' Governing Council shall have full authority over the assets and business of the Union and may contract staff and/ or professionals to be remunerated on such terms and conditions as may be agreed upon.
- ii. The Students Governing Council shall have powers to suspend, levy fines, or otherwise discipline its members, in line with the provisions of its general policies.

(4) Qualification for Election to the Governing Council:

- (1). A person is qualified to be nominated as a candidate for election to the Governing Council if that person-
 - i. Is an ordinary member of **CUKSU** and;
 - ii. Is nominated by not less than 10% of the members of CUKSU; and,
 - iii. Is a student at the University with at least one year left before completion of his/her studies and is able to serve in the Students Governing Council for a period not less than 12 months;

- iv. Is a student who has attained an average grade of **C** in his studies (In his/her past examinations) and has never sat for a supplementary examination;
- v. Has not been found guilty by the University Disciplinary Committee and/ or the Student Disciplinary Committee for any offence;
- vi. Has never served in a Students Governing Council in another University;
- vii. Has never been convicted of a criminal offence by a competent court in the Republic of Kenya.

(5) Disqualifications for the Election to the Students Governing Council

A member is disqualified for election to the SGC if at the time of election he/she-

- a. Is a member of the Electoral Commission, or the Elections Appeals Committee; and/or
- b. Has previously been removed from office for violation of the Constitution or for gross misconduct; and/or
- c. Has previously been convicted of a criminal offence by a competent court of law in the Republic of Kenya or by the Student Disciplinary Committee of the Senate; and/or
- d. Is a student who has served for two terms in the SGC;
- e. Is a student who has not fully paid University fees and dues as per the University requirements;
- f. Is a candidate for the seat of a congressional area or entity;

(6) A candidate shall be disqualified for election to the Students Governing Council if such candidate fails to attend and take part (without prior written permission from the Electoral Commission) in the formal question-and-answer campaign and/or debate organized by the Electoral Commission.

(7) Executive Authority

- i.** The executive authority of **CUKSU** is to be exercised for the benefit of the members and must be exercised according to this Constitution and other relevant laws.
- ii.** The executive authority of **CUKSU** is vested in the **SGC**, which may exercise it directly.

(8) Authority and Responsibility of the Students Governing Council

(1) The Student Governing Council shall have the authority and responsibility provided in this Constitution, and in particular shall-

- i.** Ensure all members uphold this Constitution, and that the Constitution is free from wilful interference; and
- ii.** Manage or appoint other person or persons to manage **CUKSU** assets and formulate policies and or by-laws, subject to approval by **SGC**, for the proper running and operation of **CUKSU** and its organs as shall be determined from time to time; and
- iii.** Formulate policies, rules, regulations or by-laws, subject to approval by **AGM**, for the proper running and operation of **CUKSU** and its organs as shall be determined from time to time; and
- iv.** Appoint, subject to approval by **SGC**, student members to the Electoral Commission; and
- v.** Appoint student members to the Elections Appeals Committee; and
- vi.** Implement resolutions made by **Congress**; and
- vii.** Recommend creation or dissolution of any office(s) at the AGM or where need arises or by a majority vote.
- viii.** Keep accurate and up-to-date records and prudently use the resources of **CUKSU**.
- ix.** Consult a legal counsel who shall advise the **CUKSU** on legal matters.

(2) The **SGC** shall be fully responsible for the general administration of **CUKSU**.

(3) At any one time during a semester at least one member of the **SGC** must be within the Main Campus (Karen) grounds

(4) The **SGC** may make decisions in case of emergency without the due consultation; provided that such decision is made in the best interest of **CUKSU** and that such decision shall be duly reported thereafter to the students

(9) Meetings of SGC:

- i. The **SGC** shall normally meet, at least two times during a semester
- ii. Every meeting of the **SGC** shall be convened by the Chairperson in a manner resolved by the said Council in its first meeting following inauguration to offices,
- iii. The quorum for the commencement and conduct of a meeting of the **SGC** shall be two-thirds of all members.
- iv. Unless the contrary is stated in this Constitution, all decisions of the **SGC** shall be by consensus
- v. There shall be a meeting of the **SGC** preside by-
 - a. The Chairperson; or
 - b. In the absence of the Chairperson, the Vice Chairperson;
 - c. In the absence of the Chairperson and the Vice Chairperson, any other member of the **SGC** elected by the members present at that time to act as chairperson.

(10) Decisions in the SGC

(a)

1. Any decision in a meeting of the **SGC** shall be determined by a majority of the votes of the members present.
2. Voting in the Governing Council shall be mandatory for members.
3. Voting in the **SGC** shall be by secret ballot.

(b)

On any question proposed for decision in a meeting of the Student Governing Council, the person presiding in the meeting shall-

1. If he is the Chairperson, have a casting vote but not an original vote; or
2. If he/she is not the Chairperson similarly shall have a casting vote and not an original vote.

(11) Roles of Office Bearers

1. The Chairperson

Subject to the provision of this Constitution, unless stated contrary, the duties of the chairperson shall be to;

- i. Preside over meeting of the **SGC**, Annual General Meeting(**AGM**) and Special General meeting (**SGM**), and;
- ii. Represent **CUKSU** at national and international level on issues relevant to **CUKSU** interests, provided that such representations are reported to the Student Governing Council and the Congress; and
- iii. Ensure existence of proper and cordial relationship between the various organs of **CUKSU**; and
- iv. Be a signatory to the **CUKSU** bank account; and
- v. Take charge of the overall administration of the **SGC**; and
- vi. Delegate and/or assign (subject to approval by the **SGC**) duties, to another member of the **SGC** or any ordinary **CUKSU** member, and;
- vii. The Chairperson shall address the first session of the elected **SGC** and every first sitting of **SGC** in each semester within the first 21 days;
- viii. To be an automatic member of the; Students disciplinary committee unless he/she is an affected party, in the event of such the vice chairperson or any **SGC** official shall be appointed by the **SGC** to replace him.
- ix. The chairperson shall address the first meeting of Congress and **SGC** and also in subsequent meetings
- x. Be available and address students on matters affecting the students in the course of the semester;
- xi. Such other duties as may be bestowed upon him by the Students Governing Council provided that it does not violate this Constitution, the University Statutes or any other written laws.

2. The Vice Chairperson

- 1) There shall be a vice chairperson of The Co-operative University of Kenya Students Union who shall be of opposite gender to that of the chairperson.
- 2) The Vice Chairperson shall have authority and responsibility as provided for in this constitution and in particular shall;
 - i. In absence of the Chairperson assume, and act on, the authority and responsibility of the Chairperson; and
 - ii. By virtue of his office, be the leader of the business of the Governing Council in Congress; and
 - iii. Co-ordinate and facilitate community service and related projects; and
 - iv. Assume the duties of the Chairperson in the event of the position falling vacant until a by-election is conducted.
 - v. Develop and organise Leadership Training programs.
 - vi. Advocate for the provision of high quality academic facilities, resources and services for world class academic programs at the University.
 - vii. To work with the student representation and the academic board with regards to academic matters facing the students in all departments.
 - viii. Liaise with the Registrar Academic Affairs on academic issues.
 - ix. In consultation with the Special Needs Secretary, ensure welfare of needy as well as physically challenged members, members with disability and gender.
 - x. Shall be a witness in the signatory of CUKSU bank accounts. Such witness shall be **mandatory**.
 - xi. Be a member of the finance committee.
 - xii. Perform any other duty as may be assigned from time to time by the SGC and/or the chairperson in accordance to this constitution.

3. The Secretary General

Subject to the provision of this Constitution, unless stated contrary, the duties of the secretary general shall;

- i. Keep, in a proper business-like manner, true and accurate records of the proceedings of every meeting of the Students Governing Council, the Annual General Meeting and the Special General Meeting; and
- ii. Be a witness to the signatory of CUKSU bank accounts. Such witness shall be **mandatory**;

- iii. Keep record of the register of all members; and
- iv. Issue notice of meeting of the SGC, **AGM** and **SGM** with the authority of the SGC; and
- v. Be a signatory to the **CUKSU** bank account in the absence of the Chairperson; and
- vi. Maintain contacts with all other Universities and to be responsible for foreign affairs.
- vii. Be the official spokesperson of the Union; and
- viii. With the authorization of the Vice Chancellor and the Chairperson the secretary general shall make public statements to the media and institutions outside the University.
- ix. Perform any other duty as may be assigned from time to time by the SGC and/ or the chairperson.

4. Treasurer

Subject to the provision of this Constitution, unless stated contrary, the duties of the Treasurer shall be;

- i. Be in charge of the management of the finances of the Union
- ii. Keep in a proper business-like manner, true, accurate and up-to date record of every financial transaction of **CUKSU**; and
- iii. Ensure **CUKSU** books of accounts are safe; and
- iv. In consultation with the chairperson and the Dean of Students collate and harmonize committee budget proposals for incorporation into the annual budget for discussion by congress.
- v. Be a mandatory signatory to **CUKSU** bank account; and
- vi. Must prepare and present semester budget at the first meeting of **SGC** and the **Congress**.

- vii. Present audited CUKSU financial statement to Congress in its last meeting before the Annual General Meeting; and
- viii. Act and serve as the care-taker of **CUKSU** Investment and non-current assets; and
- ix. Liaise with and preside over as Chairperson to, the Finance Committee to ensure proper and efficient Financial Services are provided; and
- x. Be the presiding Chairperson to Tendering Board
- xi. Prepare annual accounts of CUKSU and liaise with the internal auditor during the period of audit.
- xii. Perform any other duty as may, from time to time, be assigned by the Chairperson.

5. The Campus Representative

There is established a Campus Representative of CUKSU;
 Subject to the provision of this Constitution, unless stated contrary, the duties of the Campus Representative shall be;

- i. Generally articulate the needs, aspirations and interest of other respective campuses;
- ii. Represent CUKSU in the University Academic Board of the Campus;
- iii. Attend all SGC and organization meetings unless prevented by sufficient reason made known to the SGC;
- iv. In consultation with the chairperson, be in charge of resource mobilization for campus based CUKSU activities.
- v. Represent CUKSU in the University Disciplinary Board in the campus;
- vi. Take part in all other duties and functions of the CUKSU SGC;
- vii. Subject to this constitution, perform such other duties that may be delegated to him/her by the SGC and/ or the chairperson.

6. Gender and Special Needs Secretary

- 1) There shall be Gender and Special Needs Secretary of Co-operative University Students Union (CUKSU)
- 2) The Gender and Special Needs Secretary shall have authority and responsibilities as follows-
 - a) Promote gender equity and equality in the University and liaise with the Directorate of Gender and Equity in disseminating information among members about University Gender and Sexual Harassment policy and other relevant policies.
 - b) Supervise all CUKSU activities directly related to gender and in particular network with relevant organizations on gender issues.
 - c) Liaise with the Directorate of Disability Services in disseminating information and facilitating services available to persons with special needs.
 - d) Liaise with appropriate offices of the University in creating awareness on sexual and reproductive health and encouraging responsible sexual behaviour among students.
 - e) Promote the integration of members with special needs in the University by advising CUKSU and appropriate University organs in ways of implementing progressive national and international policies with regard to persons with special needs.
 - f) Perform any other duty as may be assigned from time to time by the Chairperson.

7. Social Welfare and Co-curricular Affairs Secretary

There shall be the Social Welfare and Co-curricular Affairs Secretary of CUKSU, subject to this constitution he/she shall have the following authority and responsibilities.

- a) Coordinate proper organization of sports and games and provision of entertainment services.
- b) Liaise with the office of Dean of Students in coordinating the activities of societies.
- c) In the event of loss of a member, coordinate benevolence assistance to the bereaved family.

- d) Represent CUKSU at meetings of Student Welfare Committee of the senate;
- e) Coordinate assistance to needy students as stipulated in the CUKSU Financial Policy;
- f) In consultation with the members of his/her committee, prepare realistic budget estimates for the academic years' activities after assuming office;
- g) Perform any other duty as may be from time to time assigned by the chairperson.

(12) Liability of the SGC:

- 1) The members of the Governing Council may be held jointly and/or severally liable for negligence and mismanagement of the affairs of **CUKSU**; but in any event, shall not be held liable for the misdeeds of individual members in their private capacity nor suffer victimization in the discharge of their responsibility provided that they shall carry themselves with responsibility and dignity and without misuse of their office.
- 2) Enforcement of such decision shall be the authority of Disciplinary Committee of **CUKSU**.

(13) Vote of no Confidence in Office Bearers:

- 1) Any motion proposing a vote of no confidence in a member of the **SGC** shall originate from any member of Council, who shall table it in Congress (after written notice through the Dean of Students copied to the **SGC** Chair of not less than five working days to the member who is the subject of the motion clearly stating the grounds for such motion); and if, after the person who is the subject of the motion is given opportunity to respond to it in **SGC**, the motion is supported by not less than 75% of the members of **SGC**, Congress shall compel the **SGC** to convene an **SGM**, within seven calendar days, to approve such resolution.
- 2) A motion of no confidence in a member of the **SGC** shall only be moved for-
 - a) Blatant violation of the provisions of this Constitution; or

- b) Gross misconduct; or
- c) Persistent inability to execute the duties of the office as provided for in this Constitution.

3) A vote of no confidence shall be passed by the congress if a member of the SGC if found guilty of gross misconduct of CUKSU resources by the Constitution Oversight Committee.

(14) Vacation of Office

1. A member of the Governing Council shall vacate office-
 - i. When a new office bearer is elected and inaugurated in accordance with the provisions of this Constitution; or
 - ii. If any circumstances arise that, if such member were not an office bearer , would disqualify the member to be elected as such; or
 - iii. If members so resolve, in accordance to this Constitution, that they have no confidence in such member being an office bearer; or
 - iv. When such office bearer has ceased to be a student at the University, or when such member has completed studies at the University; or
 - v. If such office bearer is convicted of a criminal offence by a competent court of law; or
 - vi. If such person, by reason of infirmity of mind or body, is unable to execute the functions of his office; or
 - vii. If such office bearer resigns, and personally hands in a letter of resignation to the **SGC** Chairperson giving reasons for resignation and seven working days notice of resignation, and such resignation accepted by **SGC**.
 - viii. If such person fails to meet the stipulated academic standards.

2. In the event a vacancy is created (except in the circumstances provided by chapter 3 subsection (14) paragraph (a) as provided in this section –
 - i. If the office left vacant has a deputizing officer, the deputy shall assume and act in the vacancy created until a by-election which shall be within 14 days from the day of Special General Meeting and the Governing Council shall appoint another member of **SGC** to act and serve in the vacancy now created after the elevation of the deputy until the by election; or,

- ii. If the vacancy created has no deputy, the Governing Council shall appoint one person from among members of **SGC** to act and serve in the vacancy so created until by-election, which shall be within 14 days from the day of the Special General Meeting.

(15) WORKING COMMITTEES OF THE STUDENTS COUNCIL

- (i) The SGC shall have the following committees to assist in day to day management of its activities.
 - a) Sports and Entertainment Committee
 - b) Academic Committee
 - c) Finance Committee
 - d) Gender and any other related Special Needs Committee
 - e) Any other committee as shall be deemed necessary.
- (ii) Apart from the Finance Committee, the membership and terms of reference of the other Committees shall be agreed on and formulated by the Students Governing Council.
- (iv) Unless otherwise specified in this constitution, the Students Governing Council shall nominate among themselves the Chairperson of each Committee.

1. Finance Committee

1.1 Membership

The Finance Committee shall be chaired by the Treasurer of the Union. He shall be the Chairperson of all meetings except when giving the financial report when a Chairperson shall be elected.

Membership is as follows:

- I. Chairperson of the Union;
- II. The Treasurer;
- III. Vice chairperson;
- IV. The Secretary General; and
- V. One (1) members elected by the SGC.

1.2 Duties of the Finance Committee

- (i) The Finance Committee shall ensure that all the finances of CUKSU are administered under a system of accounting recognized by the Association of

Certified Public Accountants of Kenya, with the supervision of the University Finance Officer.

- (ii) In consultation with the SGC to prepare the budget, allowances, financial allocations and expenditure, as well as audit report and present them to the Student Governing Council for approval at least three weeks after elections. The budget shall only be inclusive of the financial year under which it has been drawn.
- (iii) To prepare a report and statement of accounts, indicating income and expenditure for that semester for approval and publication at every 6th and 12th week of the semester.
- (iv) Monitor the overall usage (Expenditure) of the CUKSU funds;
- (v) Make it known to the members the amount available in the CUKSU bank accounts at the first meeting.

2. Academic Affairs Committee

The Academic Affairs Committee shall be chaired by the Vice Chairperson of the Union.

2.1 Membership

- i. The Vice Chairperson;
- ii. The Secretary General ; and
- iii. Three other members elected by the SGC

2.2 Duties of the Academic Affairs Committee

- i. Ensure that academic facilities and services provided by the department are easily accessible by members of the organization;
- ii. Ensure civic education on student related University policy, provide information on procedures and regulations on academic matters and the constitution of the Union;
- iii. Avail to all members of the union the academic programs of the University every semester;
Maintain cordial relationship with the chairperson of departments, deans and Directors of Academic Programs, Academic advisors and Academic staff;
- iv. Ensure that no member of the Organization suffers any form of Academic harassment for failure to respond to or any form of corrupt advances made to any member of the organization;
- v. Report any form of Academic discrimination within the University to the University Administration and receive and investigate any such complaints made by members of the Organization;

3. Special Needs Committee

3.1 Membership

- i. Gender and Special Needs secretary who shall be the chairperson to the committee;
- ii. Three members with disability as defined in this constitution who shall be nominated by the SGC; and
- iii. Two other members nominated by the SGC to represent gender.

3.2 Duties of the Special Needs Committee

- i. Be a link between CUKSU and representatives of other special needs professional bodies. The committee shall also maintain the link for the benefit of students with special needs;
- ii. Receive complaints from students with special needs and through Gender and Special Needs Secretary air such complaints to the congress and the SGC;
- iii. Identify and address issues affecting students with Special Needs in the relevant forums;
- iv. Monitor the University's provision for students with disabilities and bring failing in this provision to the attention of the Union and the University.

4. Sports and Entertainment Committee

4.1 Membership

- i. The Social Welfare and Co- curricular activities secretary who shall be the chairperson of the committee;
- ii. Four other members nominated by the SGC ;

4.2 Duties of Sports and Entertainment Committee

- i. Be the custodians of communication related to recreation and entertainment event previously held or to be held in the University;
- ii. Organize and host forms of entertainment approved by the CUKSU SGC and appropriate to the members of the association;
- iii. Be the custodians of information from both the Director of Sports and Games and the Dean of students regarding the total amount of funds available from the activity fee kitty;
- iv. Ensure that no sporting activity recognized by the University is marginalized or neglected;
- v. Keep detailed and extensive records of all sports and games activities with the Director of Sports and Games;
- vi. Ensure that there is orderliness during any entertainment event organized or hosted by this Committee;

ARTICLE 10: MEETINGS OF THE ORGANIZATION

(1) The Annual General Meeting

- 1) There shall be an Annual General Meeting (AGM) of CUKSU;
- 2) Every member shall have the right to attend the AGM;
- 3) Every member shall have the right to requisition that a vote be taken at the AGM;
- 4) The AGM which shall, ordinarily take place during the second semester of each academic year shall-
 - a) Approve the minutes of the last AGM as presented by the Secretary-General
 - b) Receive an overall report on CUKSU's operations from the chairperson;
 - c) Receive the audited annual financial report from the Treasure;
 - d) Discuss any other business relevant to enhancing the functions and operations of the Union (CUKSU)
- 5) Unless otherwise provided for in this constitution, every resolution of the AGM shall be of simple majority vote of those present and voting at the meeting;
- 6) Voting in AGM shall be of raising of hands, unless two-thirds of the members present and voting resolve otherwise;
- 7) The quorum for the commencement of business for the AGM shall be one thousand ordinary members. If the designated quorum is not present at the start of the meeting, the AGM shall not take place;
- 8) Notice for holding an AGM shall be issued by the Secretary General or in his/her absence the vice chairperson or any other member of the SGC;
- 9) Notices of the AGM shall be posted to all campuses and posted on the University website at least fourteen (14) calendar days before the AGM.

(2) Special General Meeting

- 1) There shall be Special General Meeting of CUKSU;
- 2) Every member shall have the right to attend the SGM;
- 3) The Secretary General shall convene an SGM when need arises, subject to this constitution;

- 4) Notices for holding an SGM shall be issued by the Secretary General or in his/her absence the vice chairperson or any other member of the SGC;
- 5) Notices of SGM shall be posted to all campuses and posted on the University website;

ARTICLE 11: THE CONGRESS

There is established a congress of CUKSU which shall consist of members elected according to Article 11 of this constitution.

The congress shall comprise of one person from each academic department and one person elected from each of the campuses.

(1) .a) Functions of the Congress

- i. Elect the speaker and the secretary to the congress in their first meeting after the general election;
- ii. Present regular reports to the Constitution Oversight Committee;
- iii. Represent the democratic interest of students in various curriculum and non-curriculum activities;
- iv. Approval of audited financial accounts of CUKSU;
- v. Debate and pass motions on the amendment of this constitution with the approval of the SGC;
- vi. Subject to this constitution, delegate duties to any organ of CUKSU;
- vii. Enact rules and regulations of CUKSU;
- viii. Carry out the legislative functions of CUKSU.

(3) Qualification for Election to Congress

- a. He/she must be a registered member or the respective congressional areas in accordance to this constitution;
- b. He/she must be nominated by at least 10% (ten percent) of the members in the respective congressional areas;
- c. He/she shall not be a candidate of the Students Governing Council on the same election period;
- d. Subject to Article 9, subsection (4) of this constitution, all qualifications for election to the SGC shall automatically apply;

(4) Disqualification for Election to Congress

- a. Is already nominated as a representative to the congress for the same term of office as the vacancy he/she seeks to fill in such election;
- b. Has held office for two terms as a member of CUKSU congress or any other University or constituent college in Kenya;

- c. Has previously been removed from office for violation of this constitution;
- d. Subject to Article 9, subsection (5) of this constitution, all disqualification of election to the SGC shall automatically apply;

ARTICLE 12: MEETINGS OF CONGRESS

1. Ordinarily, sittings of the congress shall be held at the main campus of the University;
2. The Congress shall meet at least once in every four(4) weeks within every semester;
3. Subject to provisions of this constitution, the Speaker shall preside over all meetings of the congress, on the speaker's absence any other member of the congress shall preside over the sitting;

(b) Quorum in congress

The quorum needed to commence and conduct business in the congress shall be two thirds (2/3) of the members

(c) Voting in Congress

- i. Except where special majorities are required by this constitution, all decisions in congress shall be determined by a simple majority vote of the members present and voting;
- ii. Secret ballot shall be used in voting in congress,
- iii. On any question proposed for voting in congress, the member presiding at the sitting shall have a deciding vote but not an original vote;

(d) Authority and Responsibility of the speaker of the Congress

- a) Preside over meetings of the congress;
- b) Receive motions and allocate time for congress members to contribute to their discussions;
- c) Enforce the standing orders and educate members on the House Business Procedure;
- d) Address congress at its first sitting;
- e) Maintain order in congress;

(e) The secretary to the congress shall-

- i. Keep, true accurate and timely record of the proceedings of the congress;
- ii. Liaise with the speaker to convene meetings of the congress in accordance to this constitution;
- iii. Arrange for venues of meetings and sittings of the congress;

(f) Dissolution of the congress

CUKSU congress shall be dissolved at least two weeks before the general election with the approval of the SGC.

ARTICLE 13: CONSTITUTION OVERSIGHT COMMITTEE

There is established a Constitution Oversight Committee of the CUKSU.

(1) Composition of the Committee

- i. The University Legal Officer;
- ii. One officer from the office of the Dean of Students;
- iii. The SGC shall appoint other three members upon application and subject to interview by the SGC.

(2) Authority of the committee

- a) Be the custodian of the CUKSU constitution and ensure that the constitution is free from wilful and malicious interference.
- b) In consultation with the University Legal Officer and the SGC the committee shall ensure that the constitution is upheld to the latter by all office bearers;
- c) Oversee the implementation of the constitution, in this regard shall receive regular reports from the speaker of the congress on steps taken towards implementation of the provisions of this constitution including prompt reports of all policies and by-laws passed by the congress to give effects to the provisions of this constitution;
- d) The committee shall have power to hear any question with respect to the interpretation of this constitution including-
 - i. Whether any policy or by-law made by the congress is inconsistent with or in contravention to this constitution.
 - ii. Whether any action by congress or the SGC or any individual member thereof is in contravention to this constitution

- e) Conduct investigations into circumstances leading to vacation of office under this constitution and where appropriate after investigations; call the office holder under investigation to appear before the committee and make representations on his/her behalf;
- f) Make recommendations to the SGC regarding appropriate disciplinary action to those office bearers found guilty of breaching the provisions of this constitution;
- g) Perform any other duty as may be from time to time assigned by the SGC.

(3) Mandate of the Committee

At all times, in execution of its mandate, the committee shall be guided by this constitution, the University statutes, the Universities Act (2012), and the Laws of The Republic of Kenya.

CHAPTER FOUR

FINANCE AND INVESTMENTS

ARTICLE 14: (1) SOURCES OF FINANCE;

- i. All ordinary members of **CUKSU** shall pay a membership fee and annual subscription fees, which shall automatically be paid on admission to the University, to the finance officer and receipts thereto issued.
- ii. The membership fee and annual subscription fee shall be decided upon by the **SGC** and approved by **CUKSU** members in Annual General Meeting (AGM).
- iii. **CUKSU** may solicit funds from the University Administration or any other willing institution or organisation and such funds shall be declared in the **CUKSU** annual returns.
- iv. Fund raising activities and donations; and
- v. Money paid as rent at the business premises duly approved by the university management

(2) Collection of Revenue:

Collection of **CUKSU** fees shall be done, for onward remission to the **CUKSU** bank account, in the manner prescribed by the University Council such that-

- i. Membership fee shall be paid once upon registration for the first year of study at the University; and
- ii. Subscription fee shall be paid in the second semester and every subsequent semester during which a member is registered for studies at the University.
- iii. Any other money collected by the University on behalf of **CUKSU** should be remitted to **CUKSU** account.

ARTICLE 15: EXPENDITURE

- i. All moneys received for the purpose of **CUKSU** must be applied with thrift and stewardship as per the **SGC** approval to provide maximum benefit to **CUKSU**.
- ii. As need arises, the **SGC** will make request through the Dean of Students, for expenditures according to the schedule and expenditures determined at the beginning of the semester.

ARTICLE 16: (1) FINANCIAL BENEFITS TO OFFICE BEARERS

- i. The financial allowances and benefits paid to office bearers will be determined, subject to subsection (ii) and (iii) of this section, by the Governing Council or Congress (whichever is affected by the determination) provided however that:
 - a. Such determination shall not be to the disadvantage of the incoming office bearers; and
 - b. Such determination is based on evidence of sustained increase in the income of **CUKSU**.
- ii. The financial allowances and benefits for office bearers must not take effect in the life of the term of office of the bearers that determined or approved them.
- iii. In any event, financial benefits and/or allowances will, subject to the limitations provided by this section be:

(2) Remuneration and Allowances

Remuneration shall only apply to the **SGC** as stipulated in this constitution.

All sitting allowances of **SGC** members, the Congress and subcommittees shall be Ksh.500 per sitting unless from time to time by the approval of the **SGC** another amount is set.

All **SGC** meetings shall not be subject to allowances. The **SGC** shall not have more than four allowed sittings per semester.

(3) MEMBERSHIP AND SUBSCRIPTION FEE

Membership Category	Membership Fee	Subscription
Ordinary member	Kshs.1000 (paid once)	Kshs.300 per Semester or Kshs.200 per term whichever is applicable.

- i. Other than the following officials, who will be paid their normal monthly allowances, no other office bearer will be paid during the holidays. Holiday here means when the normal semester, (except in case of a trimester) is not in session.
 - a. The Chairperson
 - b. The Secretary General
 - c. The Vice Chairperson
 - d. The Treasurer
- ii. The members of the **SGC**, Congress and any other office appointed in accordance to the provisions of this Constitution shall receive their allowances from the current assets and returns on the investments of **CUKSU**.
- iii. No office bearer will be entitled to receive allowances for more than one office.
- iv. All other council officials shall be paid their allowances from the respective campus kitties.
- v. The salaries and sitting allowances payable will be reviewed from time to time subject to availability of funds.
- vi. Other allowances such as travel and entertainment shall be determined by the **SGC** in consultation with the Office of the Dean of Students.

ARTICLE 17: SIGNATORIES TO CUKSU BANK ACCOUNT:

- i. The Treasurer, who shall be a mandatory signatory; and

- ii. The Dean of Students, who shall be a mandatory signatory; and
- iii. The Chairperson; or, in the absence of the Chairperson, the Secretary General.

ARTICLE 18: CUKSU INVESTMENT AND ASSETS

- i. The **SGC** shall establish the **CUKSU** tendering Board which shall:
 - a) determine who to award **CUKSU** tenders for desired supply of goods or services and/or
 - b) determine how **CUKSU** can invest for income; and/or
 - c) advice the management of **CUKSU** investments and assets
- ii. The **CUKSU** Tendering Board shall comprise the **CUKSU** Finance Secretary, who shall be the presiding chairperson of the Board, a nominated member of Congress, who shall be its Secretary, an officer (appointed by the Dean of Students) from the Dean of Students Office.
- iii. The **CUKSU** Tendering Board shall undertake to give reports to Congress at every sitting and also to the Dean of Students Affairs.

Article 19: (1) Books of Accounts

CUKSU shall maintain proper books of accounts that shall be available for audit by the University auditors.

(2) Auditing of Books of Account:

- i. The Accounts of **CUKSU** shall be audited by the University Internal Auditor four (4) weeks before the AGM
- ii. The audited accounts and statement of financial position shall be published after approval by **SGC** not later than seven (7) calendar days before the **AGM**.

(3) Financial Year

The financial year of the Union shall be the same as the financial year of the University.

(4) Tenders

- i. Subject to provisions of this constitution, tenders of the union shall be open to all willing members of the Union (**CUKSU**);
- ii. Such tenders shall alternate annually;
- iii. Subject to this constitution, members of the Student Council shall be ineligible for such tenders.

CHAPTER FIVE

ELECTIONS:

ARTICLE 20: GENERAL PRINCIPLES OF THE ELECTORAL SYSTEM

CUKSU Elections system shall comply with the following general principles in accordance to this constitution and Article 81 of Kenya Constitution 2010.

- i. The electoral system is based on the twin principles of equality of the vote and the right of every ordinary member to vote, stand for election and hold elective office.
- ii. Fair representation of people with disability;
- iii. Universal suffrage based on the aspiration for fair representation and equity of vote and;
- iv. Independence of the Electoral Commission
- v. Free and fair elections which are;
 - By secret ballot;
 - Free from violence, intimidation, improper influence and corruption;
 - Administered in an impartial, neutral, efficient, accurate and accountable manner;
- vi. All aspiring candidates must collect their nomination papers from the returning officer and the papers returned to the returning officer at least three days before the campaign period is begins. The nomination papers must be signed by not less than 5% (five percent) of members of **CUKSU** The nomination papers for the post of Chairperson, Secretary General and Finance Secretary must be signed by at least 10% (ten percent) of ordinary **CUKSU** members.
- vii. For the purpose of these elections provided as per this article of this Constitution, the electoral roll shall be the faculty registration nominal roll;
- viii. Gender parity should be encouraged and not more than one-third of the members of the elective bodies shall be of the same gender;
- ix. Elections shall be held annually within the tenth week of the second semester after the end of the financial year.

ARTICLE 21: ELECTION OF CUKSU OFFICERS:

The election for every **CUKSU** official shall be conducted according to the provisions of this Constitution, and the Electoral Commission rules and regulations governing the conduct of elections.

ARTICLE 22: ESTABLISHMENT AND COMPOSITION OF THE ELECTORAL COMMISSION:

- i. The **CUKSU** Electoral Commission shall be appointed, constituted and established in the third week of the second semester of the academic year to start its work.
- ii. The **CUKSU** Electoral Commission shall consist of-
 - a) A member of the senate appointed by the Vice Chancellor who shall preside over as the chairperson of the commission; and
 - b) The Dean of Students, who shall have the responsibility of any administrative and financial matters of the Commission; and
 - c) Five final year students, appointed by the outgoing Student Governing Council; and
 - d) One member of staff appointed by the Dean of Students; and
 - e) One member of staff appointed by the Registrar (Academic Affairs); and
 - f) The University Chief Security Officer; who shall be an ex-officio member.
- iii. Members who have served in the **SGC** in the previous academic year the elections will be held shall not be eligible to be appointed to serve in the Electoral Commission.
- iv. The members of the Electoral Commission shall be remunerated/compensated in accordance with the University rates.

ARTICLE 23: AUTHORITY AND RESPONSIBILITY OF THE ELECTORAL COMMISSION:

- i. The Electoral Commission has the authority, and is responsible for-
 - a) conducting and supervising elections; and
 - b) promotion of free and fair elections; and
 - c) determining and announcing the dates for nomination and election; and
 - d) supervising the preparation of voter registers, ballot papers, ballot boxes and designating polling stations; and
 - e) Appointing any other appropriate person(s) to assist in the elections and who if any such appointed person is a student, shall not be eligible for nomination to contest.
 - f) Formulating rules where necessary for just, free and fair elections.
- ii. The Electoral Commission shall publish the list of successfully nominated candidates and the disqualified candidates, and shall post such notice of disqualification together with such reasons visibly and numerously in the University.
- iii. At every election, the Electoral Commission must ensure that the voting procedure is simple and precise and the results are announced by the presiding officer at the polling stations.
- iv. The Electoral Commission shall oversee elections of the **SGC**, Congress and Delegates; the elections of the Congress shall be conducted on a different date before the date for the main elections.
- v. The Electoral Commission shall organize a debate for all the candidates before Election Day.

ARTICLE 24: ELECTION PROCEDURE:

(1) Preliminary Process

In the third week of the second semester the Electoral Commission shall-

- a) Establish the timetable for the electoral process which shall be complete by the end of the tenth (10th) week of the semester;
- b) Declare all positions open for contest;
- c) Announce the dates for election;
- d) Call for the submission of nomination forms and receive them;
- e) Vet aspiring candidates pursuant to Article 9, subsection (1) of this constitution and verify their nominators;

- f) Prepare and post visibly and at numerous locations a list of candidates eligible for election and a list of applicants ineligible for elections;

(2) Congressional Elections

Election for Congressperson(s) shall normally be held seven days before the election of the members of the Electoral College.

The members of the Electoral College from other campuses shall be elected on the same day as the Congressperson(s).

(3) The Electoral College

For purposes of election of CUKSU SGC members, the union shall constitute itself into electoral colleges based on the University academic departments and campuses in accordance with this constitution and subject to section 41, subsection (1c) of the University Amendment Act 2016.

(a) Composition of the Electoral College

The SGC shall be elected by Electoral College consisting of 3 delegates elected from each academic department and 3 delegates elected from each of the campuses.

The delegates shall be;

- i. A Female Representative;
- ii. A Male Representative; and
- iii. Representative of any gender.
- iv. Not more than two thirds (2/3) of the delegates shall be of the same gender; in each electoral college there, **MUST** be at least one woman elected.

(b) Qualifications for a member of the Electoral College

For a member to be qualified for election to the Electoral College, he/she shall-

- i. Be a member of the specific academic department;
- ii. Be an ordinary student of The Co-operative University of Kenya;
- iii. Be known of his/her high integrity;
- iv. Have not served for any previous SGC or Congress;
- v. Have good academic record, having not sat for a supplementary examination;
- vi. Have not been found guilty of any offence by SDC;
- vii. Not be vying in a position in the Students Governing Council.

(c) Disqualification of membership

- i. A member who is already elected shall be disqualified if he/she is found to be involved in any form of electoral malpractice including taking bribes and colluding with other members to vote for a specific candidate;
- ii. If a member is disqualified, the immediate runner-up of the same gender shall be picked to replace him/her.

(d) Terms of Membership

Delegates shall-

- i. Remain delegates for one academic year in accordance with the provisions of this constitution

(4) Election of SGC

The Election of the SGC shall be on the basis of majority vote by the Electoral College for all candidates in accordance to Article 9 of this constitution;

- a) The aspiring candidate for the Chairman position shall have a running mate of the opposite gender who shall be the Vice Chairperson;
- b) Every candidate must be nominated by at least 10%(ten percent) of the union members in accordance to Article 9, subsection 4 of this constitution;
- c) The SGC shall reflect National Diversity;
- d) The SGC shall not have more than two thirds (2/3) being of the same gender;
- e) The SGC members shall be elected on the same day as the members of the Electoral College.

(5) Other General Election Regulations and procedures

- a) A candidate must nominate one polling agent who shall witness the voting at each polling station and thereafter, witness the counting of votes and sign the result declaration form;
- b) A candidate of a congressional entity shall be declared winner upon acquiring the highest number of the votes cast;
- c) The campaign period should not be more than 10 (ten) working days and NO candidate shall campaign on the day before the day of Elections;
- d) The chairperson of the electoral commission shall announce all Election results and post the same results visibly and at numerous locations throughout the University within twenty four hours following the official announcement of the results.

ARTICLE 25: SPOILT VOTES

- 1) During the counting of ballot papers-
 - (a) A spoilt vote shall not be tallied on to any of the candidates; and
 - (b) A candidate may voluntarily be personally present; and at no one time shall a candidate be barred from witnessing the counting of ballot papers.
- 2) 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 for the candidate for whom it was cast.

ARTICLE 26: OFFENCES

- i. An election offence shall disqualify a candidate.
- ii. For purposes of this section, an election offence includes rigging, use of physical force, hate speech, intimidation, giving false information, campaigning on the polling day and/or any other act or omission, which defeats the tenets of free and fair elections.

ARTICLE 27: BY-ELECTIONS

- i. In the event that a position falls vacant for any reason, the vacancy will be announced by the Student Governing Council through the University/Campus notice boards, stating the reason for the vacancy. This is to be followed by a full Student Governing Council meeting to discuss the vacancy.
- ii. A By-election will be held within 2 weeks of a vacancy due to any relevant reason, any time but at least one (1) month before the end of the semester.
- iii. The rules laid down for the General Election shall govern the by-election.

ARTICLE 28: RE-RUN OF ELECTIONS

- i. In case the leading contestants get equal number of votes in an election, the Chairperson of the Electoral Commission shall declare a re-run of election between the leading contestants within seven calendar days after the election.
- ii. Where elections are nullified, the Chairperson of the Electoral Commission shall issue notice for a re-run of election within 48 hours after the election.

ARTICLE 29: DISSOLUTION OF THE ELECTORAL COMMISSION

- i. The Electoral Commission shall, if there is no petition against election result, stand dissolved, and hand over their returns to the Dean of Students, when new officials are inaugurated into office.
- ii. In the event of a petition against election result by any person, the Electoral Commission shall await to act on the resolution reached by the Elections Appeals Committee on the said petition before it stands dissolved.

ARTICLE 30: ELECTION PETITIONS

- i. There shall be a **CUKSU** Elections Appeals Committee established three working days before the polling day; and that committee shall be composed of: the Registrar (Academic Affairs) as chairperson, two members of teaching staff at the University appointed by the Deputy Vice Chancellor in charge of academics (DVC Academic affairs), one officer from the office of the Dean of

Students appointed by the Dean of Students, and two students in their final year of study at the University and who shall not be eligible for election, appointed by the **SGC**.

- ii. The **CUKSU** Election Appeals Committee shall have the authority and responsibility as provided in this Constitution and, in particular, shall-
 - a) design rules and regulations for the proper conduct of its business and procedure of election appeals; and
 - b) receive any written petition against the election result, within 24 hours following the announcement of such result; and
 - c) hear oral and written evidence on the petitions; and
 - d) Within fourteen working days of receipt of such petition, uphold or nullify the result, as it may determine, and notify the Electoral Commission in writing.
- iii. Any resolution made by the **CUKSU** Election Appeals Committee shall be final, binding and conclusive.
- iv. In the event there is no appeal received within the prescribed time, or the **CUKSU** Election Appeals Committee has completed its work in accordance with this section, then the Committee shall stand dissolved.

ARTICLE 31: TRANSITION

- i. Within three working days after the election results are announced, the Dean of Students shall chair the committee overseeing and presiding over the handing over of instruments of office from the outgoing members of the **SGC** to the newly elected members of the **SGC**.
- ii. Information seen to raise potentially controversial issues shall be recorded in writing and signed by both incoming and outgoing candidates. Such information or issues shall be placed on the notice board within 2 weeks of the new Council being in office.
- iii. Newly elected members to the Governing Council shall be inaugurated to office, in a ceremony held in public within the University, by the Vice Chancellor within three working days after the handing over the instruments of office as provided in subsection (1) here above.

- iv. The members of the overseeing Committee shall be as follows:
 - a. Dean of Students
 - b. Outgoing and incoming members of the **SGC** whose attendance is mandatory; and
 - c. Registrar Academic Affairs; and
 - d. Chief Security Officer

CHAPTER SIX

MISCELLANEOUS

ARTICLE 32: (1) AMENDMENT

- i. This Constitution may be amended only by at least 2/3(two-thirds) majority of members present and voting at a meeting convened for that purpose provided that for the purpose of Constitution amendment the quorum will be at least 60% (forty percent) of the total **CUKSU**. Membership. The Secretary General on behalf of the **SGC** shall bring proposal for amendment forward.
- ii. Any member of **CUKSU** may also move a motion for amendment to the Constitution. Such a motion should be forwarded to the Speaker of the Congress of and published at least two weeks prior to the meeting constituted to consider and decide on the proposed amendment.
- iii. Once the amendments have become effective, the old Constitution or part thereof becomes void.

(2) Interpretation of the Constitution:

- i. This Constitution is based on the ultimate supremacy of the students of The Co-operative University of Kenya with regard herein and this Constitution shall be interpreted in a manner that-
 - (a) promotes the tenets of good education; and
 - (b) permits the creative development of the students; and
 - (c) avoids technicalities which defeat the purpose of this Constitution; and
 - (d) Advances the preamble statement of this Constitution.
- ii. No person shall arrogate any authority to oneself, which does not emanate from this Constitution.
- iii. A person or authority interpreting this Constitution may refer to matters and/or facts, which will assist in the purposive interpretation of this Constitution.
- iv. This Constitution shall not contravene the University statutes, and if it does; the provisions in the University Statutes shall prevail

ARTICLE 33: (1) DISSOLUTION OF CUKSU

- i. **CUKSU** can only be dissolved through a referendum supported by not less than 85% of voting members after a notice of fourteen days is given to **SGC** to discuss such dissolution.
- ii. In the event **CUKSU** is dissolved, all assets shall be used to pay its creditors and the remaining assets handed over to The Co-operative University Alumni Association for safekeeping.
- iii. Upon the dissolution of **CUKSU**, this Constitution shall become moribund.
- iv. In the event of dissolution, **CUKSU** takes full responsibility before dissolution.

(2) Affiliation

CUKSU shall not be an affiliate to any political organisation within and outside Kenya, but it may, however, work with such organization, Associations, professional clubs, unions and societies as shall be approved by **SGC** in consultation with the University. However, **CUKSU** shall not be an affiliate to any political party.

ARTICLE 34 (1) DISCIPLINE

- i. For purposes of this Constitution, discipline shall mean compliance to the rules for proper conduct as embodied in this Constitution, by-laws and rules as shall be formulated from time to time by the relevant authority. (**CUKSU** members are subject to the University statutes).
- ii. Discipline among members in the conduct of the affairs and operations of **CUKSU** shall be enforced by the Governing Council.
- iii. Any member, including a member of the Governing Council or Congress, accused of not adhering to discipline, shall be summoned in writing to appear before the Disciplinary Committee of **CUKSU** within seven calendar days of receipt of the report of the accusations, in the company of not more than two other members chosen by the accused member; in the event such accused person fails to appear before the Disciplinary Committee without any prior reasonable justification for such failure, then the Committee shall proceed, thirty minutes after the stated time of commencement of meeting, to subject the absent accused person to any of the decisions they resolve.

- i. (a) The Disciplinary Committee of **CUKSU** shall be composed of the Dean of Students, who shall be the presiding chair and convenor, two members of the **SGC**, two students appointed by the **SGC**.
(b) Subject to (a) above, the **SGC** shall appoint the representatives of the members of the disciplinary committee.
- ii. Any person found guilty of violation of discipline shall, depending on the extent of the violation, be subjected to-
 - (a) warning in writing, which can only be issued to any one member on not more than two occasions; or
 - (b) financial penalty of an amount, to be determined by the Disciplinary Committee, in compensation for damages caused as a result of the violation; or
 - (c) A combination of both (a) and (b) here above and any other punishment as prescribed by the committee
- iii. Any member dissatisfied with the resolution of the relevant disciplinary committee under this section shall have the right to make a written appeal within seven calendar days to **SGC** through the **SGC** chair; and shall have the right to a fair hearing, and the decision of the **SGC** thereafter shall be final, binding and conclusive.
- iv. No member may sit in an authority that is considering whether such member is innocent or otherwise.

(2) Resignation

- i. A member wishing to resign from the Students Governing Council shall tender his/her resignation by a written notice giving reasons and the chairperson of the **SGC** shall table the notice to the **SGC** immediately.
- ii. The **SGC** shall have power to accept or reject any resignation from a member.
- iii. On acceptance of a resignation, the chairperson of **SGC** shall inform the Dean of Students within 24 hours and a by-election carried out in accordance to Elections and By-elections by-laws.

ARTICLE 35: (1) DECLARATION

This Constitution is the Constitution of The Co-operative University of Kenya Students' Union and shall have the force of law throughout the Union, if any other rule or regulation prevailing under this Constitution is inconsistent with this Constitution, this Constitution shall prevail and the rule or regulation shall to the extent of inconsistency be null and void.

(2) Transitional Provisions

- i. This Constitution shall come into effect once it has been approved by the University Governing Council as provided by the Co-operative University of Kenya legal order no 161 of 2011 and the Statutes of 2013.
- ii. Upon enactment of this Constitution, the Constitution of the Students' Union of the Co-operative of Kenya (revised 2013) shall cease to apply save as where provided for under this Constitution.
- iii. Where under this Constitution SGC is required to make rules and/or regulations, existing rules and/or regulations shall apply until such a time as when SGC makes other rules and/or regulations.
- iv. All acts, which have been constitutionally undertaken by the SGC, shall be regarded to be valid under this Constitution.

(3) Others

- i. The minutes of every meeting under this Constitution shall be certified by the Secretary of such a meeting; approved by the Chairperson of such meeting and adopted in the next meeting.
- ii. The organisation or its members shall by law be capable of suing and being sued.
- iii. In this Constitution, 'he' whenever used is gender – Neutral.
- iv. The name The Co-operative University Student Union (**CUKSU**) or head logo of **CUKSU** shall not be used without the authority of the **SGC**.

(4) Swearing In

- i. The swearing in ceremony shall be held at the first Special General Meeting and shall be presided over by the University Vice Chancellor in presence of the University Management Board.
- ii. Citation of pledge of Commitment

Ihaving been elected as
..... Of the SGC of The Co-operative University
Student Union, hereby swear and pledge that;

I shall uphold and defend the Constitution of The Co-operative University Student Union;

I shall seek to defend and respect the democratic rights and Liberties of all CUKSU members;

I shall execute my duties with due diligence and competence as provided for in this Constitution without fear or favour, hate or hindrance, and without personal biases,

I shall serve all members equally irrespective of race, creed, colour, gender or tribe, and I shall not compromise the rights and privileges of any member.

I swear this pledge with full knowledge of my responsibilities and bind myself by the same.

So help me God.

Signed by: at On this day of 20.....

Before me