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THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)

THE KENYA ADVANCED INSTITUTE OF SCIENCE AND
TECHNOLOGY ORDER, 2022

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THE UNIVERSITIES ACT

(No. 42 of 2012)

IN EXERCISE of the powers conferred by section 20(3) of the Universities Act, 2012, the Cabinet Secretary for Education makes the following Order —

THE KENYA ADVANCED INSTITUTE OF SCIENCE AND TECHNOLOGY ORDER, 2022

PART I — PRELIMINARY

1. This Order may be cited as the Kenya Advanced Institute of Science and Technology Order, 2022. Citation.
2. In this Order, unless the context otherwise requires— Interpretation.
- “Academic Board” means the Academic Board of the University College established under paragraph 12;
- “Act” means the Universities Act, 2012; No. 42 of 2012.
- “Alumni Association” means the Alumni Association of the University College established under paragraph 15;
- “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to university education;
- “Chancellor” means the Chancellor of Dedan Kimathi University of Technology;
- “Council” means the Council of the University College established under paragraph 10;
- “Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;
- “faculty” means a faculty of the University College established under the Statutes;
- “financial year” means the financial year of the University College as provided for under paragraph 18;
- “graduate” means a person upon whom a degree has been conferred in accordance with paragraph 5;
- “incapacity” means inability to perform functions of the office concerned;
- “institute” means an institute of the University College established under the Statutes;
- “lecturer” means a member of the staff of the University College who is a Professor, an Associate Professor, a Senior Lecturer, a Lecturer, or a person who holds any other teaching post recognized by the Council has recognized as a post having academic status in the University College;
- “Librarian” means the person appointed to be the librarian of the University College;

“Management Board” means the Management Board of the University College established under paragraph 13;

“Principal Secretary” means the Principal Secretary for the time being responsible for matters relating to university education;

“Principal” means the principal of the University College appointed under paragraph 8;

“professor” means a professor of the University College;

“Registrar” means the registrar appointed by the Council of the University College;

“research fellow” means a person conducting post doctorate research or a visiting professor at the University College.

“School” means a school of the University College established under the Statutes;

“Senate” means the Senate of the University;

“Staff Association” means an association of the staff recognized by the Council as being an association representative of the staff of the University College;

“Statutes” means Statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“students' organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“University College” means the Kenya Advanced Institute of Science and Technology established under paragraph 3;

“University” means the Dedan Kimathi University of Technology; and

“Vice-Chancellor” means the Vice-Chancellor of the University.

PART II — ESTABLISHMENT, POWERS AND FUNCTIONS OF THE UNIVERSITY COLLEGE

3. (1) There is established a University College to be known as the Kenya Advanced Institute of Science and Technology which shall

Establishment of the University College.

be a constituent college of the Dedan Kimathi University of Technology.

(2) The University College shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring holding as well as transferring, selling, leasing, charging or in any other way disposing of absolute or partial rights and interests in any immovable property;
- (c) borrowing or lending money, receiving grants, gifts and donations for the purpose of furthering education and research for national development;
- (d) entering into contracts with other institutions, organizations, bodies corporate or individual persons; and
- (e) doing or performing such other things or acts necessary for the proper discharge of its functions under this Order, which may lawfully be done or performed by a corporate body

(3) The overall management of the University College shall be vested in the Ministry of Education.

(4) The seat of the University College shall be at Konza Technopolis within Machakos County.

4. (1) The functions and objects of the University College shall be—

Functions of the
University College.

- (a) developing and maintaining an all-post graduate institution of higher learning offering high quality university education for the benefit of the learners and the Country;
- (b) educating highly skilled scientists and engineers at the Masters and Doctorate levels with theoretical and practical knowledge to foster future industries in Kenya and beyond;
- (c) conducting research and development at national level to improve Kenya's national competitiveness and accelerate industrial growth;
- (d) creating social and economic values to improve the quality of life of the Kenyan people through various forms of education; and research and development cooperation;
- (e) providing comprehensive support to research conducted by other research centers and industries;
- (f) establishing partnerships and linkages with other local, regional and international universities, research institutions and industry;

- (g) approaching the relevant State Departments to finance the University College's research and development objective for the attainment of the Government's short term and medium term development plans;
- (h) providing resources for university level education and research; and for the establishment of faculties, departments, institutes and such other institutional arrangements for the purpose of enabling the University College to fulfill its mission;
- (i) participating in the discovery, preservation, processing and dissemination of knowledge for the betterment of humankind and providing an opportunity for development of intellectual activities, academic freedom and scholarly acumen;
- (j) identifying, admitting and educating qualified and suitable students drawn from Kenya and elsewhere;
- (k) conducting examinations for such academic awards as may be provided for in the Statutes pertaining to the University College;
- (l) recruiting, retaining and supporting the highest quality academic and management staff;
- (m) determining who may teach, what may be taught and how it may be taught at the University College within the philosophy and objects of the University College;
- (n) developing, reviewing and implementing academic programmes and determining methods of instruction and research;
- (o) developing and managing the Institution's land, facilities and equipment to support the goals of the University College;
- (p) developing and establishing, affiliate colleges and campuses, schools, institutes, faculties and centers for education that the University College Governing Council may determine;
- (q) implementing an organizational structure that supports the attainment of the University College's goals;
- (r) providing appropriate facilities for sports and other extra-curricular activities to support students' wholesome development;
- (s) providing appropriate learning materials, including books, journals and e-resources;
- (t) providing adequate equipment and facilities for a high quality education including classrooms, library resources, laboratories, research facilities, and buildings to support various programmes;

- (u) institute and award fellowships, scholarships, bursaries, prizes and other such awards to aid study, research and outreach activities;
- (v) participate in educational conferences, seminars and workshop;
- (w) undertaking research, publish and patent intellectual property on the research findings and other relevant and important findings for the benefit of the society;
- (x) working with the State Department responsible for national development planning; so as to align the University College's research objective with the Government's long-term and short term development goals; and to source and mobilise for funds for these research projects;
- (y) providing professional development opportunities to staff and enhance their individual growth, job performance and leadership capabilities; and
- (z) providing any other services related to the above.

(2) Admission to the University College as candidates for degrees shall be based on admission criteria set by the Statutes.

5. The degrees to be awarded by the University College shall be the degrees conferred by the Dedan Kimathi University of Technology.

Award of degrees.

6. Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the Statutes.

Award of Scholarships, bursaries and other awards.

PART III — MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY COLLEGE

7. The members of the University College shall be—

Membership of the University College.

- (a) the Chancellor of the Dedan Kimathi University of Technology;
- (b) the Vice-Chancellor of the Dedan Kimathi University of Technology;
- (c) the Principal;
- (d) the Deputy Principal;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers and research fellows of the University College;

- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;
- (n) the Head of legal services at the University College;
- (o) the students of the University College;
- (p) the Alumni Association; and
- (q) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. (1) There shall be a Principal of the University College who shall be appointed by the University College Council in accordance with the Act. The Principal

(2) The qualifications for appointment as a Principal of the University College shall be as prescribed in the Act and Statutes.

(3) The Principal shall be the chief executive officer of the University College and shall—

- (a) be the academic and administrative head of University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(4) The Principal's term of office shall be as provided for in the Act.

9. There shall be a Deputy Principal of the University College who shall be appointed in accordance with the Act. The Deputy Principal.

10. (1) There shall be a Council of the University College which shall be appointed by the Cabinet Secretary. The Council.

(2) The Council shall consist of—

- (a) a Chairperson appointed by the Cabinet Secretary,
- (b) the Principal Secretary in the Ministry for the time being responsible for university education;
- (c) the Principal Secretary in the Ministry for the time being responsible for Finance;

- (d) five members appointed by the Cabinet Secretary through an open process in such a manner as may be prescribed in guidelines issued by the Cabinet Secretary; and
 - (e) the Principal of the University College who shall be an ex officio member of the Council.
- (3) Subject to sub-paragraph (4), the terms of office of the members of the Council shall be as provided for in the Act.
- (4) The Office of a member of the Council shall become vacant if the member—
- (a) not being an ex-officio member, resigns from office in writing addressed to the Principal as the Secretary of the Council;
 - (b) is, by reasons of physical or mental infirmity, unable to exercise the functions of the office; and
 - (c) dies; or
 - (d) is otherwise unable or unfit to continue being a member of the council.
- (5) Where the office of a member of the Council becomes vacant, the Principal shall notify the vacancy to the appointing authority within fourteen days.
- (6) The procedure, conduct and regulation of the affairs of the Council shall be in accordance with this Order and the Statutes.
- (7) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University College in the best interests of the University College

11. (1) The Council shall be the governing body of the University College and shall—

- (a) administer the property and funds of the University College in a manner and for the purposes which shall promote the interests of the University College but shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Statutes;
- (b) on behalf of the University College, receive donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) approve the appointment criteria and the terms and conditions of service of staff;
- (d) provide for the welfare of the staff and students of the University College;
- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within

The functions of the Council.

Kenya or otherwise, as the Council may deem necessary and appropriate;

- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College; and
- (g) perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

(2) In the performance of its functions under this Order, the Council shall—

- (a) ensure that a proper management structure is in place and that the structure functions to maintain corporate integrity, reputation and responsibility of the University College.
- (b) monitor and evaluate the implementation of strategies policies, and management criteria and plans of the University College;
- (c) continuously review the viability and financial sustainability of the University College, and shall do so once every year;
- (d) work closely with the Ministry responsible for Education, the Ministry responsible for National Planning, the Ministry responsible for Information and Communication Technology, the Ministry responsible for Energy and the Ministry responsible for Industry and Trade; in the furtherance of the University College's objectives;
- (e) promote effective linkages between the University College and its strategic partners;
- (f) develop policies and mechanisms to ensure that the University College jointly uses research facilities and equipment with other research institutes, universities and professional organisations to enhance research productivity and to encourage efficient use of research facilities. The policies and mechanisms that will be developed should indicate how the expenses that will be incurred will be defrayed; and
- (g) ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

(3) The Council may delegate to any Committee or to any member officer or employee the exercise of any of its functions or duties under this Order or any written law.

12. (1) There shall be an Academic Board of the University College which shall consist of—

The academic Board.

- (a) the Principal, who shall be the Chairperson;

- (b) the Deputy Principal;
 - (c) the Deans of the Schools, and Directors of Institutes and Centres;
 - (d) the heads of the teaching departments of the University College;
 - (e) the Registrar in charge of academic affairs;
 - (f) the Librarian;
 - (g) the Dean of Students;
 - (h) one Professor from each department elected by lecturers of that department to be their representative;
 - (i) the Director of ICT services; and
 - (j) two members elected by the students' association, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.
- (2) The Deputy Principal shall be the Secretary to the Academic Board.
- (3) The Academic Board shall have the following powers and duties—
- (a) satisfy to itself regarding the content and academic standard of any course of study in respect of any degree programme offered in the University and report its findings thereon to the Senate;
 - (b) make recommendations to the Senate regarding the eligibility of persons for admission to a course of study and
 - (c) the standard of proficiency to be gained in each examination in respect of such programme;
 - (d) decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, of the University and reporting its decision thereon to the Senate; and
 - (e) oversight over academic programmes including learning resources, quality assurance, appraisal of programmes and academic awards.
- (4) Notwithstanding any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph

(a), (b) or (c) of subparagraph (3) except upon receipt of a report or proposal thereunder, and shall not reject any such report, or reject any recommendations as proposed without further reference to the Academic Board.

13. (1) There shall be a Management Board of the University College which shall be responsible for assisting the Principal in the implementation of the policies of the University College.

The Management Board.

(2) The membership of the Management Board shall consist of—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principal, who shall be the Secretary;
- (c) the Registrars;
- (d) the Head of legal services
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine

(3) The functions of the Management Board shall include assisting the Principal in the day-to-day management of the University College and shall, in this respect, ensure—

- (a) ensure the efficient management of the human resource, programmes, facilities and finances of the University College;
- (b) plan for the development and needs of the University College;
- (c) develop strategies for the generation of revenue to secure adequate financial support for the University College;
- (d) make proposals to the Council and the Academic Board on policies applying to the University College;
- (e) oversee the design, procurement and installation of the technological infrastructure required to run the University College;
- (f) review regulatory requirements affecting staff and students, including but not limited to occupational health and safety administration;
- (g) formulate and implement a strategy for information and communication technology in furtherance of University College aims and objectives;
- (h) identify methods of maximizing and improving the communication strategy of the University College;
- (i) coordinate the strategic and development plans of the University, and
- (j) any other matters related to the management of the University College.

14. (1) Pursuant to section 41 of the Universities Act, there shall be a Student Association of the University College which shall be established in accordance with the statutes.

Students'
Association.

(2) The student association shall have the following functions—

- (a) providing moral and academic leadership to all students;
- (b) promoting high ethical standards, integrity, honesty, transparency and cohesion among students;
- (c) providing a forum where students can exercise their leadership skills; and
- (d) providing student representation in the Academic Board.

15. (1) There shall be an Alumni Association of the University College which consist of graduates of the University college and such other persons as be provided for in its constitution and the Statutes.

Alumni Association.

(2) The functions of the Alumina Association shall be to—

- (a) bring all the graduates of the University College together for their mutual affirmation;
- (b) maintain liaison between the members and the University College;
- (c) mobilise alumni support for the benefit of the University College;
- (d) serve as a platform for resource mobilization for the University College;
- (e) provide mentorship opportunities for the students;
- (f) organize events, meetings and conferences for the alumni and the community;
- (g) conduct other programs and activities the association may consider incidental or conducive to the attainment of its objectives;
- (h) organize Alumni Chapters in different parts of the world; and
- (i) perform such other functions as may be prescribed in its constitution and the Statutes

16. (1) The academic staff of the University College shall consist of—

Staff of the College.

- (a) the Principal;
- (b) the Deputy Principal;
- (c) the Deans and Directors of faculties, schools, centers and institutions;

- (d) the Chairpersons of Departments;
- (e) the Librarian; and
- (f) all members of staff who are engaged in teaching, research and outreach.

(2) The University College shall have Professors, Associate Professors, Senior Lecturers and Lecturers as part of its faculty and may have Visiting and Adjunct Professors where appropriate.

(3) The Council shall appoint faculty with outstanding evaluation in education research and university-industry cooperation or faculty recognised in a specific professional area as tenured Professors

(4) The terms and conditions of all the other faculty members of the University College shall be as provided for in the Statutes

(5) The Council shall put in place mechanisms and policies for; the recruitment of tenured Professors and other members of the faculty and their continuous evaluation and appraisal.

(6) The University College shall appoint such number of researchers as may be required to carry out research in relation to the matters undertaken by it

(7) The administrative staff of the University College shall consist of-

- (a) the Principal;
- (b) the Deputy Principal;
- (c) the Registrars;
- (d) the Chairpersons of Departments;
- (e) the Finance Officer;
- (f) the head of legal services;
- (g) the Deans and Directors of faculties, schools, centers and institutions;
- (h) the Directors of administrative units; and
- (i) such other members of staff not engaged in teaching or research as the Council may from time to time determine.

(8) The technical staff of the University College shall consist of the staff engaged in laboratories, Information and Communication Technology support, technology innovation hub, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(9) The support staff of the University College shall consist of such staff engaged in general duties, and as the Council may from time to time determine.

(10) All members of staff of the University College shall, subject to this Order, be appointed either —

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the University College from another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(11) The Council may, subject to such conditions as it may specify, delegate either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(12) All members of staff of the University College shall —

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment

17. (1) In the absence of the Principal, the Council may appoint the Deputy Principal to carry out the functions of the Principal for a period of up to three months.

Performance of functions in the absence of an office holder.

(2) In the absence of the Principal and the Deputy Principal, the Council may, in consultation with the Cabinet Secretary, appoint any member of the academic staff of the University College to perform the functions of the Principal for a maximum of three months.

(3) In the absence of a member of staff of the University College other than the Principal and Deputy Principal, the Principal may appoint a suitable person to perform the functions of the said officer for a period of up to three months.

PART V- FINANCIAL PROVISIONS

18. The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in the following year.

Financial year.

19. (1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

Annual estimates.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;

- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may deem fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Principal Secretary

(4) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and after such approval, the Council shall not increase any sum provided in the estimates without the consent of the Principal Secretary

(5) Expenditure shall not be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in accordance with an authorization of the Council.

20. (1) Funds and resources of the University College may be derived from—

Funds and resources.

- (a) funds provided by Parliament;
- (b) such funds as may accrue to the University College in the performance of its functions;
- (c) such monies as may be donated or lent to the University College;
- (d) the endowment;
- (e) gifts and trusts from any source; or
- (f) other sources as the University College Council may from time to time identify.

21. (1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

Investment of Funds.

(2) The Council may place on deposit with such banks as it may determine, any moneys not immediately required for the purposes of the University College.

22. (1) The Council shall cause to be kept all books and records of account of the University College's revenue and expenditure in accordance with the Public Finance Management Act, 2012.

Accounts and audit.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General the accounts of the University College together with —

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Auditor-General in accordance with the Public Audit Act, 2015.

(4) The Auditor-General will submit to the Council the report of their audit as per the provision of the Statutes and the Public Audit Act, 2015

PART VI — MISCELLANEOUS PROVISIONS

23. (1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

The Common Seal and Signification of documents.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signed under the hand of the Chairman, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(4) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

24. (1) In the performance of its functions under this Order, the Council may, subject to this Order, make Statutes generally for the governance, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the —

Statutes.

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) conduct of examinations;
- (c) prescribing fees and other charges;
- (d) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (e) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and

(f) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by Statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Principal or Academic Board without prior approval of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three fourths of the members present and voting, being not less than two thirds of the total membership of the Council.

(4) Statutes or Regulations made by the Council under this Order shall not be published in the Gazette and sections 27, 31(e) and 34 of the Interpretation and General Provisions Act shall not apply to the Statutes or to the regulations.

25. (1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name

Protection of name.

which includes the words "Kenya Advanced Institute" together with words "of Science and Technology"; or the acronym "Kenya-AIST" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words " Kenya Advanced Institute " together with the words " of Science and Technology " or the acronym "Kenya-AIST" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or imprisonment for a term of twelve months, or both.

26. (1) The University College shall conspicuously display all its instruments of accreditation at such places as the Council may elect.

Instruments of accreditation.

(2) Where any instrument is revoked, the University College shall, within fourteen days of such revocation, return the original instrument of governance to the Commission for University Education.

Made on the 16th June, 2022.

GEORGE MAGOHA,
Cabinet Secretary for Education.