



**TECHNICAL UNIVERSITY OF MOMBASA  
STUDENTS' ASSOCIATION**

**TECHNICAL UNIVERSITY OF MOMBASA  
STUDENTS' ASSOCIATION  
CONSTITUTION**





**TECHNICAL UNIVERSITY OF MOMBASA  
STUDENT ASSOCIATION**

*P.O. BOX 90420-80100,*

*Mombasa, Kenya*

*[www.tumsa.org](http://www.tumsa.org)*

**TECHNICAL UNIVERSITY OF  
MOMBASA STUDENT ASSOCIATION  
CONSTITUTION**

*Issue No. 1*

*Revision No. 0*

*April 2020*



TUM is ISO 9001:2015 Certified

## PREAMBLE

**WE**, the students of the Technical University of Mombasa;

**AWARE** that the Association of the students at the Technical University of Mombasa was created to serve the pursuit of academic and social welfare, peace, prosperity, integrity, and dignity;

**EXERCISING** our right to determine the form of leadership we deem suitable for our Association.

**DETERMINED** that the values of transparency, accountability, observance of students' rights and social justice shall be institutionalized in our Association to ensure that democracy is enjoyed by all students.

**HUMBLY** submitting to God and recognizing our responsibility before him, humanity and ourselves;

**PROUD** of the diversity of backgrounds, cultures of students religious affiliations and intellectual diversity united by a common purpose and aspirations.

**CONVINCED** that this Constitution shall guarantee the continued existence of peace amongst students of the Technical University of Mombasa Students' Association

**RECOGNIZING** the desire of the students to have a Constitution that will govern them and the supreme authority of the University Council through the Technical University of Mombasa Charter 2013, the regulations governing the Association, conduct, and Discipline of students made thereunder and other related and relevant laws of the land in all activities and Associations of the University.

Do hereby **ADOPT, ENACT** and **GIVE** to ourselves and the future generations this  
Constitution, as **the Constitution** of the **TECHNICAL UNIVERSITY OF**  
**MOMBASA STUDENTS' ASSOCIATION (TUMSA)** on

This \_\_\_\_\_ day of \_\_\_\_\_ year 20\_\_\_\_

## TABLE OF CONTENTS

<b>PREAMBLE</b> .....	<b>i</b>
<b>ABBREVIATIONS AND ACRONYMS</b> .....	<b>1</b>
<b>CHAPTER ONE</b> .....	<b>2</b>
NAME, INTERPRETATION, AND OBJECTIVES .....	2
Article 1: Name.....	2
Article 2: Interpretation.....	2
Article 3: Registered Office of TUMSA .....	4
Article 4: Jurisdiction .....	4
Article 5: Aims and Objectives of TUMSA.....	4
<b>CHAPTER TWO</b> .....	<b>7</b>
MEMBERSHIP 7	
Article 6: Eligibility .....	7
Article 7: Composition of Membership .....	7
Article 8: Rights of Members .....	7
Article 9: Duties of Members.....	8
Article 10: Obligation of all Members .....	8
Article 11: Cessation of Membership.....	8
<b>CHAPTER THREE</b> .....	<b>9</b>
ORGANS OF TUMSA .....	9
Article 12: General Meetings.....	9
<b>CHAPTER FOUR</b> .....	<b>11</b>
THE CONGRESS.....	11
Article 13: Establishment of the Congress .....	11
Article 14: Composition of Congress .....	11
Article 15: Qualification for Election to Congress .....	12
Article 16: Conditions for Election to Congress .....	12
Article 17: Recall and Vacancies in Congress .....	13
Article 18: Powers and Functions of Congress.....	13

Article 19:	Inauguration of Congress.....	15
Article 20:	Procedures and Proceeding in Congress .....	15
Article 21:	The Congress Representatives.....	15
Article 22:	Election of Members of Congress .....	20
<b>CHAPTER FIVE.....</b>		<b>22</b>
THE STUDENT COUNCIL .....		22
Article 23:	Establishment of the Students’ Council .....	22
Article 24:	Composition of the Student Council .....	22
Article 25:	Authority of the Student Council.....	23
Article 26:	Powers and Functions of the Student Council .....	23
Article 27:	Standing Committees.....	33
Article 28:	Vote of No Confidence or Impeachment .....	41
<b>CHAPTER SIX .....</b>		<b>42</b>
FINANCE AND INVESTMENTS.....		42
Article 29:	Revenue .....	42
Article 30:	Collection of Revenue.....	42
Article 31:	Expenditure.....	42
Article 32:	Petty Cash.....	43
Article 33:	Remuneration of Office Bearers .....	43
Article 34:	Signatories to the Association’s Bank Account.....	44
Article 35:	Association’s Investments and Assets.....	44
Article 36:	Books of Accounts .....	45
Article 37:	Campus Decentralization Funds (CDF).....	45
<b>CHAPTER SEVEN.....</b>		<b>46</b>
ELECTIONS     46		
Article 38:	Elections.....	46
Article 39:	Qualification Criteria for Candidates.....	46
Article 40:	Nomination Procedure .....	47
Article 41:	Voting Process .....	49

Article 42:	Election Petition Panel .....	50
Article 43:	Election Petitions .....	51
Article 46:	By-Elections .....	52
Article 44:	Swearing-In .....	53
Article 45:	University Electoral Commission .....	54
<b>CHAPTER EIGHT</b>	<b>.....</b>	<b>56</b>
<b>GENERAL PROVISIONS</b>	<b>.....</b>	<b>56</b>
Article 47:	Leadership and Integrity .....	56
Article 48:	Dissolution .....	58
Article 49:	By-Laws and Policies .....	58
Article 50:	Amendment of Constitution.....	58
Article 51:	Interpretation of the Constitution.....	59
Article 52:	Transitional Provisions.....	60

## ABBREVIATIONS AND ACRONYMS

<b>TUM</b>	Technical University of Mombasa
<b>TUMSA</b>	Technical University of Mombasa Students Association
<b>UEC</b>	University Electoral Commission



## CHAPTER ONE

## NAME, INTERPRETATION, AND OBJECTIVES

**Article 1: Name**

There shall be an Association of Technical University of Mombasa to be known as Technical University of Mombasa Students' Association (herein referred to as TUMSA or The Association).

**Article 2: Interpretation**

**"Annual Accounts"** shall mean the balance sheet and the statement of income and expenditure.

**"Bona fide Member"** shall mean and include only the duly paid up members.

**"School"** shall mean a School of the University as established by the Statutes.

**"Class representative"** shall mean an individual elected by a simple majority by the respective class members based on one member one vote. And their jurisdiction shall be restricted to their respective classes by which they are elected.

**"Disability"** shall mean any physical, mental, visual impairment or any other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities. For the avoidance of doubt a person with a disability must have a certificate of disability from the National Council of Persons with Disability.

**"Member of Staff"** shall be construed to include both academic and administrative staff members at the Technical University of Mombasa.

“**Minority Group**” shall be any member representing the minority communities by numbers in the University.

“**Congress**” refers to the legislative body of the student fraternity.

“**Congress entity**” shall mean the area of representation that an elected member of Congress will be representing.

“**Senate**” refers to the Technical University of Mombasa Senate as defined in the Universities Act of 2012 Laws of Kenya.

“**Statutes**” means Statutes of the University pursuant to the University Charter.

“**Student**” shall mean a person registered by the University to pursue either a degree, diploma or certificate course or any other qualification or course of the University as may be approved by the Senate of the University.

“**Student Association**” shall mean as provided for under Section 41 of the Universities Act of 2012 of the Laws of Kenya.

“**The Constitution**” shall refer to the Constitution of TUMSA unless otherwise stated.

“**The Council**” means the governing body of the University established under the Universities Act of 2012.

“**University**” shall refer to the Technical University of Mombasa as defined in the Charter for the University.

“**University Administration**” shall mean and include all the administrative bodies and persons of the Technical University of Mombasa.

“**University Management Board**” shall have the same meaning as provided for under the University statutes.

“**University Electoral Commission**” shall refer to TUMSA electoral commission.

“**TUMSA Official**” shall refer to any student, elected, nominated, or appointed to any organ of TUMSA.

“**Special Needs**” shall be defined as people with disabilities.

In this constitution, unless the context otherwise requires,

- a) words importing the singular shall be construed as importing the plural and *vice versa*;
- b) Words importing one gender shall be construed as importing any other gender.

**Article 3: Registered Office of TUMSA**

The headquarters of the Association shall be at the Technical University of Mombasa Main Campus Students’ Centre P.O. BOX 90420-80100, Mombasa.

**Article 4: Jurisdiction**

This constitution shall be binding to all Schools, Institutes, and or any other institution of Technical University of Mombasa.

**Article 5: Aims and Objectives of TUMSA**

The aims and objectives of TUMSA shall be:

- i) To protect individual and collective rights of the Technical University of Mombasa students by use of all lawful, proper and prudent means to ensure that students’ aspirations and interests are protected, promoted, enhanced and realized.
- ii) To promote students’ welfare.

- iii) To provide meaningful redress for students' concerns and perspectives through the principle of democratic representation.
- iv) To improve, maintain and preserve the students' high academic research, development of artistic and professional talents.
- v) Ensure fair and equitable gender representation and participation in student affairs in the University and seek to address matters of social welfare of members equitably.
- vi) To promote the enjoyment of freedoms, rights, and privileges through seeking to enhance and maintain the freedom of conscience, expression, association, academic liberty and all the rights and privileges accruing to students owing to their humanity, age, status, sex, citizenship, and any other relevant criteria.
- vii) To encourage continued co-operation among former Technical University of Mombasa students through the Alumni Association.
- viii) To raise funds through lawful means for purposes of achieving the aims and objectives of Technical University of Mombasa Students' Association.
- ix) To encourage the interaction of students of different races and religions to ensure that students' activities achieve their maximum effectiveness.
- x) To be committed to holding free and fair elections, according to the Technical University of Mombasa Students' Association (TUMSA) Constitution.
- xi) To be the voice of the students for purposes of advocating for the needs and interests of TUMSA students.
- xii) To foster the relationship between the student community and the University staff, University Management and the general public based on unity and understanding.

- xiii) To facilitate and initiate harmony amongst students, TUM students and members of other universities, institutions, and associations with similar interests.
- xiv) To participate in community service in compliance with the University objects.
- xv) To pursue these aims and objectives conscious of academic, political, economic, social, religious, sex, ethnic and racial composition of the students and staff of Technical University of Mombasa.
- xvi) To carry out such other activities that may be incidental, auxiliary and or akin to the achievement of the above objectives.

## CHAPTER TWO

## MEMBERSHIP

**Article 6: Eligibility**

Eligibility for membership shall, generally, be open to any student admitted to Technical University of Mombasa and registered for a course leading to a qualification for the award of a certificate, diploma or degree of the University.

**Article 7: Composition of Membership**

- i) Ordinary membership shall be open to all Undergraduate Students at Technical University of Mombasa as follows;
- ii) All students duly admitted by the University shall pay a semester subscription fee as may be proposed from time to time, and
- iii) The fees shall be deducted from the Student's fees payable at the time.

**Article 8: Rights of Members**

- i) Subject to the provision of Article 40 of this Constitution, an Ordinary member may seek election to any office or position established in this constitution and shall be entitled to vote at TUMSA elections;
- ii) Forming part of two-thirds of registered members, an Ordinary member may petition the Secretary-General to call the Annual General Meeting subject to the provisions of Article 12 of this Constitution;
- iii) An Ordinary member shall have the right to access all relevant information relating to the affairs of the Association including books and records of accounts, audit reports and minutes of meetings in so far as it shall be reasonable;

- iv) An Ordinary member shall have the right to take part in any reasonable, valid and legitimate activity organized and run by the Association for its members;
- v) Upon admission to the University, an Ordinary Member is entitled to access this Constitution on the TUM and TUMSA website; and
- vi) An Ordinary Member shall have the right to participate in a peaceful legal demonstration.

**Article 9: Duties of Members**

Every member shall solely by him or herself abide by the letter and spirit of this Constitution.

**Article 10: Obligation of all Members**

- i) Every member shall recognize TUMSA as the official representative of the students' body and shall abide by all constitutional decisions made by Congress and the Student Council;
- ii) Every member shall respect the property of TUM and TUMSA, and any member who causes damage to the property of TUM and TUMSA shall be subject to the disciplinary provisions of this Constitution and the University, and
- iii) Every member shall be required to honour his or her financial obligations to TUMSA.

**Article 11: Cessation of Membership**

An ordinary member of TUMSA shall cease to be a member, only upon graduation at the university or when such member ceases to be a bonafide student of Technical University of Mombasa because of his or her own volition, suspension by the University or any other similar cause.

## CHAPTER THREE

### ORGANS OF TUMSA

The Organs of TUMSA shall be:

- i) Congress; and
- ii) Student Council.

#### **Article 12: General Meetings**

There shall be three (3) classes of general meetings of TUMSA which shall comprise of:

- 1) Annual General Meetings (hereinafter referred to as (AGM));
- 2) Special General Meetings (hereinafter referred to as (SGM); and
- 3) Extra-Ordinary General Meetings (hereinafter referred to as (Kamukunji).

#### **1. Annual General Meetings**

- i) The Annual General Meeting shall be held on the last Friday of January every year;
- ii) Notice in writing of such AGM, accompanied by the annual report and accounts and the Agenda for the meeting shall be sent to all members in not less than twenty-one (21) days before the date of the meeting; and
- iii) The agenda of any AGM, shall consist of the following:
  - a. Confirmation of Minutes of the previous AGM;
  - b. The tabling of annual reports and books of accounts by the Internal Auditor of the University;
  - c. Presentation of the audit reports by the Internal Auditor of the University;
  - d. Consideration and adoption of Annual reports and accounts;



- e. Such other matters as the Student Council may decide or as to which notice shall have been given at least four (4) weeks before the date of the meeting; and
- f. Any other business proposed by members and approved by Congress.

## **2. Special General Meeting (SGM)**

- i) An SGM may be called for any specific purpose by Congress or the Student Council through the Secretary-General; and
- ii) Notice in writing of such meeting and agenda shall be sent to all members not less than seven (7) days before the date of such meeting.

## **3. Extra-Ordinary General Meeting (Kamukunji)**

- i) A Kamukunji shall be called, for any specific purpose or purposes of an emergency nature by the Chairman or in his absence by the Vice-Chairman or in their absence, any other member or members of the Student Council; and
- ii) The quorum of a Kamukunji shall be the members present at the meeting, provided that its decisions shall be subject to approval by Congress.

## **4. The quorum for General Meetings**

The quorum for general meetings except the Kamukunji shall be two hundred (200) members.

## CHAPTER FOUR

## THE CONGRESS

**Article 13: Establishment of the Congress**

- i) There shall be a Congress of TUMSA (hereinafter referred to as “Congress”).
- ii) Subject to the provisions of this Constitution, the Congress shall be the supreme policy maker of TUMSA.
- iii) Ordinary sittings of the Congress shall be held at the Main Campus of the University.

**Article 14: Composition of Congress**

The Congress shall consist of:

- i) A Secretary-General – Student Council;
- ii) Two Special- needs representatives of opposite genders;
- iii) Two religious group representative, one from the Islamic religion and one from Christian religion;
- iv) Two representatives from each School/Institute/Directorate of the opposite gender;
- v) Two hall representatives of the opposite gender;
- vi) Two outside hostels representatives of the opposite gender;
- vii) Two sports and entertainment coordinators;
- viii) Two representatives from each satellite campus of the opposite gender;
- ix) One representative of a Minority Group;
- x) A Speaker;
- xi) A Deputy Speaker;
- xii) A Sergeant at Arms; and

- xiii) A Clerk.

#### **Article 15: Qualification for Election to Congress**

An Ordinary member is qualified for election to Congress if at the time of elections s/he:-

- i) Is a *bona fide* student at Technical University of Mombasa;
- ii) Has at least two semesters left of the program of initial registration for study;
- iii) Is registered in the Congress area of the entity he or she seeks to represent;
- iv) Based on the available grades in the students' transcripts, has at least an average grade of C in the program being undertaken;
- v) Is within the normal time frame for completion of his or her program of study at the time of initial registration;
- vi) Has completed at least two concurrent semesters with a full load of current academic study; and
- vii) Must submit a valid certificate of good conduct.

#### **Article 16: Conditions for Election to Congress**

An ordinary member is disqualified from election to the Congress if, at the time of elections s/he: -

- i) Is on Suspension;
- ii) Is a member of the UEC;
- iii) Has previously been removed from office for violation of any of the provisions of this Constitution;
- iv) Has received more than one formal warnings from the University;

- v) Is already nominated as a representative to the Congress for the same term of office as the vacancy s/he seeks to fill in such election; and
- vi) Has served in the Congress for two consecutive terms.

#### **Article 17: Recall and Vacancies in Congress**

Ordinary members in a Congress area or entity may move a vote to recall their congressman before the expiry of his/her term, and such a vote to recall shall be passed by not less than seventy-five percent (75%) of the members registered in the Congress area or entity. The office of a Congressman becomes vacant when:

- i) The Congress is dissolved under the provision of this Constitution;
- ii) A member of congress ceases to be a *bona fide* student of the Technical University of Mombasa;
- iii) A member of congress resigns by writing a letter addressed to the speaker of the Congress;
- iv) A member of congress is recalled under Article 17a;
- v) A member of congress is suspended from the University;
- vi) A member of congress is found guilty of violating this Constitution;
- vii) A member of congress has been convicted for a criminal offense by a court of law in the Republic of Kenya;
- viii) A member of congress is unable to execute the functions of her/ his office because of the infirmity of mind or body; and
- ix) A member of congress has been absent without the speaker`s permission for three consecutive sittings of Congress in a semester.

#### **Article 18: Powers and Functions of Congress**

Congress shall have such authority and responsibility as provided in this Constitution and in particular shall;

- i) Uphold and protect this Constitution;
- ii) In all its activities observe the statutes, regulations, and policies of the University;
- iii) Elect its own Speaker and Deputy Speaker at its first meeting after inauguration into the House;
- iv) As the supreme legislative and policy-making organ of TUMSA, debate and approve TUMSA policies, proposals, and decisions tabled by Congress Committees, Congresspersons, and the Students' Council;
- v) Monitor the implementation of resolutions by the Students Council and provide directions on any emergency affecting the students' body after receiving a report from the Students' Council;
- vi) Approve the list of members of the Congress appointed to the various Committees;
- vii) In case of suspected misconduct of TUMSA Student Council, form an *ad hoc* committee to check and probe into the matter and table a substantial report to Congress;
- viii) Approve the list of student members forwarded by the Dean of Students for appointment to the UEC;
- ix) Form special committees to look into arising issues;
- x) Delegate functions it so desires to any organ of TUMSA subject to the Constitution;
- xi) Deliberate on and/ or resolve issues of concern to members;
- xii) Consider and propose amendments to this Constitution for ratification at the AGM;
- xiii) Carry out any other duty that may be incidental to the performance of its functions;
- xiv) Move a motion of no confidence to impeach members of the Student Council under this Constitution;
- xv) Debate and approve budgetary allocations.

- xvi) The Congress shall hear and discuss the Chairman's address on the state of TUMSA which shall be presented at its first sitting and last sitting of the semester.

**Article 19: Inauguration of Congress**

- i) The Congress of TUMSA shall be formed concurrently with the Student Council during the General Elections;
- ii) The Speaker and the Deputy Speaker shall be sworn in by the University's Legal Officer in the presence of members of the Congress;
- iii) Immediately after the swearing-in of the Speaker and the Deputy Speaker, the Speaker or in his absence the Deputy Speaker shall individually swear in the duly elected members of Congress;
- iv) If a new member of the Congress misses the swearing-in of members of the Congress and the first sitting of the Congress, the Speaker shall declare the seat vacant, unless the member received written permission from the Office of the speaker allowing such absence.

**Article 20: Procedures and Proceeding in Congress**

- i) Subject to this Constitution, the procedures and proceeding of the Congress shall be governed by the Standing Orders of TUMSA Congress which shall be formulated by a Special Committee formed by the Congress and approved by two-thirds of the Congress; and
- ii) Congress shall meet at least twice each semester.

**Article 21: The Congress Representatives**

**1. Speaker of the Congress**

- i) There shall be a Speaker and Deputy Speaker elected by the Congress;

- ii) The Speaker and the Deputy Speaker shall be elected by members of the Congress from ordinary members, other than members of the Student Council at the first sitting the Congress after General Elections;
- iii) The election of the Speaker and the Deputy Speaker shall be by Secret Ballot and shall be conducted per the Standing Orders of the Congress;
- iv) The Speaker and the Deputy Speaker shall be sworn in by the University Legal Officer not later than 48 hours from the time of election; and
- v) The offices of the Speaker and the Deputy Speaker shall be vacant when:
  - a) The Speaker or Deputy Speaker informs the Congress in writing of his or her resignation as Speaker or Deputy Speaker, or
  - b) Congress as stipulated in Article 18, passes a Motion of No Confidence on either the Speaker or Deputy Speaker.
- vi) The Speaker shall have authority over the Congress as provided in this Constitution and in particular shall:
  - a) Swear in members of the Congress after the election;
  - b) Preside over meetings of the Congress;
  - c) Maintain order in the Congress;
  - d) Address the Congress in his/her first meeting;
  - e) Receive motions and allocate time for each motion and each member to contribute to the motion;
  - f) Communicate with the Congress on matters relevant to its business; and
  - g) Perform any other duty the Congress may deem appropriate to enhance its efficiency and effectiveness in its conduct of business.
- vii) If the office of the Speaker and Deputy Speaker becomes vacant, Congress shall not transact any business until a new Speaker or Deputy Speaker is elected and sworn in; **PROVIDED THAT**, a vacancy in the

office of the Speaker or the Deputy Speaker shall not affect the functions of the Congress Committees.

**2. The Deputy Speaker of the Congress**

The Deputy Speaker of the Congress shall:

- i) Be in constant consultation with the Speaker in matters related to the proper functioning of TUMSA;
- ii) Assume the role of the Speaker in the Speaker’s absence; and
- iii) From time to time, perform any other duty as may be assigned or delegated to him or her by the Speaker.

**3. Clerk of Congress**

The Clerk of Congress shall be elected by the Congress, and his/her authority and responsibilities shall be:

- i) To keep true, accurate and up to date records of all proceedings of Congress;
- ii) To receive, record and forward motions to the Speaker;
- iii) To receive respective committee reports;
- iv) To keep a record of and be responsible for all Congress property;
- v) To send notices of meetings to members after consultation with the Speaker; and
- vi) To perform any other duty as the Speaker may direct.

**3. School/Institute Representatives**

There shall be School/Institute representatives from each School/Institute as provided for in this Constitution. The duly elected representatives shall:

- i) Be members of Congress and perform all functions of the Congress under this Constitution;



- ii) Articulate generally on the special academic needs, aspirations, and interests of their respective Schools/Institutes;
- iii) Collect views from the respective Schools/Institutes and present them to Congress for appropriate action;
- iv) Constitute, sit and perform duties of Congress Committees as provided for under this Constitution;
- v) Represent TUMSA in any other relevant committee in their Schools/Institutes.
- vi) Run for one academic year and shall not be eligible for re-election.
- vii) Chair all class representatives' meetings in their respective Schools/Institutes;
- viii) Organize all School/Institute activities in liaison with the Student Council;
- ix) Attend all meetings called upon by the Students Council; and
- x) Subject to the provisions of this Constitution, perform duties as delegated to them by the Students Council.

#### **4. Halls Representatives**

There shall be 2 halls' representatives representing Halls of Residence from each gender as provided for in this Constitution. Hall representatives shall:

- i) Be members of the Congress and perform all functions of Congress as provided in this Constitution;
- ii) Generally, articulate the special needs, aspirations, and interests of their respective members in the halls of residence;
- iii) Collect views from the respective halls of residence and present them to Congress for appropriate action;
- iv) Constitute, sit and perform duties of Congress committees as provided for under this Constitution;

- v) Represent TUMSA in relevant committees in their halls of residence;
- vi) Attend all meetings called upon by the student council; and
- vii) Subject to this Constitution, perform duties as delegated to them by the Student Council.

## **5. Sports and Entertainment Coordinators**

There shall be a sports and entertainment coordinators nominated by the Secretary of Sports and Entertainment. They shall:

- i) In conjunction with the Sports and Entertainment Secretary ensure the provision of sports equipment;
- ii) Be members of the Congress;
- iii) Co-ordinate activities such as tournaments and other sporting events;
- iv) Be members of the Sports and Entertainment Committee.
- v) Receive grievances concerning Sports and Entertainment and table them during Sports and Entertainment Committee meetings or the Congress.

## **6. Class Representatives**

There shall be a representative in every class who shall perform the following functions:

- i) Be the academic representative of the class;
- ii) Be the link between the lecturer/ tutor and the students; and
- iii) Receive grievances from class members and forward to the School/Institute Representative.

## 7. Sergeant at Arms

There shall be a sergeant at arms who will be the Chairman of the Peace Unit. The duties and responsibilities of the Sergeant at Arms shall be as follows:

- i) To ensure that there is order at Congress meetings;
- ii) To assist the Speaker and the Clerk in the distribution of minutes and agenda during Congress meetings;
- iii) To assist in the counting of votes during meetings; and
- iv) Any other duty that Congress may assign from time to time.

## Article 22: Election of Members of Congress

### 1. Class Representatives

Class representatives shall be elected by class members at the beginning of each academic year and shall serve for a period not exceeding one (1) Academic Year and shall be eligible to vie for the same position if interested.

### 2. School/Institute Representatives

Schools/Institute representatives shall be elected by the class representatives from their respective schools/institutes at the beginning of every Academic Year.

### 3. Sports and Entertainment Coordinator

Shall be appointed by the Secretary for Sports and Entertainment to serve for not more than one term.

**4. Halls Representatives**

Halls representatives shall be elected by *bona fide* students at their respective halls of residence at the beginning of every Academic Year, and shall serve for one academic year.

**5. Outside Hostels' Representative**

There shall be two representatives who shall be nominated by the Secretary for Accommodation and Social Affairs.

**6. Satellite campus Representatives**

There shall be two satellite campus representatives from each campus.

## CHAPTER FIVE

## THE STUDENT COUNCIL

**Article 23: Establishment of the Students' Council**

- i) There shall be a Students' Council of TUMSA;
- ii) Subject to the provisions of this Constitution, the Student Council shall be the Chief Administrative Organ of TUMSA;
- iii) The office of the Student Council shall be located at the Main Campus of Technical University of Mombasa; and
- iv) Meetings of the Council shall be held at the Main Campus of the University or any other place that the Student Council may decide.

**Article 24: Composition of the Student Council**

The Student Council shall consist of:

- i) The Chairman;
- ii) Vice-Chairman;
- iii) Secretary-General who shall be the Secretary to the Council;
- iv) Treasurer;
- v) Secretary for Academics and External Affairs;
- vi) Secretary for Accommodation and Social Affairs;
- vii) Secretary for Sports and Entertainment;
- viii) Secretary for Special needs;
- ix) Satellite Campus Governors;
- x) Satellite Campus Deputy Governor; and
- xi) Satellite campus Secretary for Sports and Social Affairs.

**Article 25: Authority of the Student Council**

- i) The Authority of the Student Council TUMSA shall be exercised for the benefit of TUMSA members according to this Constitution, the Laws of the Republic of Kenya, Technical University of Mombasa Charter 2013, University Statutes, regulations and joining instructions, the current students' handbook or any subsequent legitimately recognized students guide that shall replace it and any other relevant policy;
- ii) The Authority of the Student Council may be exercised either directly or indirectly by it;
- iii) Rank in the Student Council shall be exercised in the order of the Chairman, Vice-Chairman, and Secretary-General; and
- iv) Upon appointment, the Student Council shall appoint one member among the Council to be in charge of Gender Affairs.

**Article 26: Powers and Functions of the Student Council**

The Student Council shall:

- i) Be responsible for the day to day running of TUMSA;
- ii) Ensure that this Constitution is protected and is upheld by all members;
- iii) Propose the approval of policies and by-laws for the proper operations of TUMSA and its organs;
- iv) Implement resolutions made by Congress;
- v) Appoint and supervise other persons to manage TUMSA assets; and
- vi) Keep accurate and timely records of TUMSA.

## 1. The Chairman

There shall be a Chairman of the Technical University of Mombasa Student's Association. The Chairman by the powers and authority vested in him/herself by this constitution shall:

- i) Convene the Students' Council and TUMSA meetings;
- ii) Preside over such Students' Council and General Meetings in accordance with this Constitution and the TUMSA Congress standing orders.;
- iii) Sign the confirmed minutes of the Student Council and TUMSA meetings;
- iv) Be an ex-officio member of all Standing Committees and *ad hoc* Committees of Congress;
- v) Be a co-signatory to all TUMSA cheques and other negotiable instruments.
- vi) Represent TUMSA in the University Senate;
- vii) Have powers to call an emergency meeting of the Student Council and or Congress;
- viii) Articulate the policies of TUMSA and provide exemplary leadership;
- ix) Represent TUMSA members at the University Disciplinary Appeals Committee;
- x) With the consent of the Student Council, Congress and the University Management, represent TUMSA at the national and international meetings and conferences;
- xi) Subject to the provisions of this constitution and with the approval of the Student Council, delegate or assign duties to other members of the Student Council;

- xii) Consult members of the Student Council, before making emergency decisions that are in the best interest of TUMSA and which decision must be reported to Congress at its next sitting; and
- xiii) The Chairman shall be the accounting officer of activities of the Association.

## 2. Vice-Chairman

There shall be a Vice-Chairman who shall:

- i) Deputize the Chairman in all cases of absence except on financial signatory roles;
- ii) In consultation with the Treasurer, be in charge of resource mobilization and income-generating activities and projects of the Association;
- iii) Be in charge of all administrative and internal matters of the Association;
- iv) In consultation with the Treasurer, prepare proposals for raising finances and resources for the Association;
- v) Coordinate transportation, benevolence at times of bereavement, hardship or depression, assistance for needy students and related services;
- vi) In consultation with the Treasurer, mobilize finances for TUMSA programs approved by Congress;
- vii) Represent TUMSA members at the University Student Disciplinary Committee;
- viii) Ensure security in all student events within and outside the University;
- ix) As Chairperson of the Security Committee, liaise with the appropriate offices of the University for proper dissemination of security services;
- x) Coordinate and facilitate community services and related projects;



- xi) Attend all Student Council and Association meetings unless prevented by a sufficient reason made known by writing to the Chairman; and
- xii) Subject to this Constitution, perform duties as directed by the Chairman of the Student Council.

### 3. Secretary-General

There shall be a Secretary-General of Technical University of Mombasa students' Association. The Secretary-General by the powers and authority vested in him/herself by this constitution shall:

- i) Keep true and accurate records of the proceedings of every meeting of the Student Council including the AGM;
- ii) Subject to the direction of the Student Council, maintain and have custody of all TUMSA correspondence;
- iii) As the Council's official spokesperson, communicate the Council's decisions to the members and the University Administration;
- iv) Manage and regularly update the TUMSA website and liaise with the University's Public Relations office;
- v) Work in conjunction with other members of the Student Council to ensure they submit the calendar of events within the first fourteen days of every semester;
- vi) In consultation with the Chairman, communicate to all members, and or Student Council the venue, dates, and agenda of Student Council meetings or general meetings as the case may be;
- vii) Keep an accurate Register of members and make it available for devolution, a vote of no confidence, election and other purposes;
- viii) Shall be a co-signatory to all TUMSA instruments and documents in conjunction with the Chairman and any other officer as stipulated under this Constitution;

- ix) Attend all Students' Council and Association meetings unless prevented by sufficient reasons made known to the Student Council;
- x) Represent the Student Council to the Congress; and
- xi) Subject to this Constitution, perform duties as directed by the Student Council.
- xii) Be the custodian of this Constitution and ensure that it is free of wilful and malicious interference.

#### 4. Treasurer

There shall be a Treasurer of the Technical University of Mombasa Students' Association. The treasurer shall:

- i) Keep true and accurate records of the proceedings of every financial transaction of TUMSA;
- ii) Present audited financial statements to Congress at its last sitting before the AGM;
- iii) Keep proper books of accounts and avail them for audit and inspection whenever required;
- iv) In consultation with the Vice-Chairman be in charge of resource mobilization and income;
- v) Together with the Chairman and the Secretary-General, be co-signatories to all TUMSA bank accounts and other negotiable instruments;
- vi) Prepare annual accounts of TUMSA in consultation with the Internal Auditor of the University during the period of audit;
- vii) Ensure that the audited accounts are tabled before the AGM;
- viii) Prepare any other financial report as the Student Council and the Congress may from time to time request;
- ix) Ensure that sufficient internal controls exist to protect assets of TUMSA;

- x) Attend all Student Council and Association meetings unless prevented by sufficient reason made known to the Student Council; and
- xi) Subject to this Constitution, perform duties as delegated by the Student Council.

**5. Secretary for Academics and External Affairs**

The Secretary for Academic and External Affairs shall:

- i) Liaise with the DVC Academic Research and Extension and the Registrar Academic Affairs on academic issues;
- ii) Work in liaison with the University Librarian and be a representative in the timetabling Committee;
- iii) Liaise with the DVC Academic Research and Extension to organize Annual Academic Invention and innovation exhibition day for all departments in the institution;
- iv) Represent the students in the Students Disciplinary Committee;
- v) Address issues arising directly from the academic concerns of the members;
- vi) Ensure the provision of high-quality academic facilities, resources, and services at the University;
- vii) Promote awareness among members regarding student's related policies, procedures and regulations of the University;
- viii) Chair the Academic Affairs Committee;
- ix) Participate in the planning, implementation and management of academic, social, counselling, career and work-study programs;
- x) Develop and organize Leadership Training programs;
- xi) Attend all Student Council and Association meetings unless prevented by sufficient reason made known to the Student Council; and

- xii) Subject to this Constitution, perform duties as directed by the Chairman and or the Student Council.

**6. Secretary for Sports and Entertainment**

The Secretary for Sports and Entertainment shall:

- i) TUMSA Secretary in-charge of Sports and Entertainment;
- ii) Chair all the meetings of Sports and Entertainment Committee;
- iii) Develop Sports and Entertainment Policy of TUMSA;
- iv) Liaise with the University Sports Department to promote members' welfare in matters about sports and entertainment;
- v) Facilitate and encourage the formation of clubs, societies, teams, associations, and movements relevant to the needs of TUMSA in accordance with this Constitution;
- vi) Represent TUMSA in the management of the University sports team; and
- vii) Subject to this Constitution perform duties as delegated to them by the Chairman and or the Student Council.

**7. Secretary for Accommodation and Social Affairs**

The Secretary for Accommodation and Social Affairs shall:

- i) Receive and record members' grievances and requests and forward them to TUMSA Student Council for deliberation;
- ii) Liaise with the Dean of Students in addressing matters arising from various services;
- iii) Supervise all TUMSA activities directly related to the social welfare of its members and, in particular, network with associations concerned with social welfare issues;

- iv) Prepare and present semester progress reports about the social welfare of the members at general meetings;
- v) Also, be the TUMSA Secretary in charge of Accommodation and Social Affairs;
- vi) Act as a link between the Association and the Student Welfare;
- vii) Be the chair of Health, Catering, Water and Accommodation Committee;
- viii) Be the custodian of all records of communication-related to Catering and Accommodation Health Water of the Association;
- ix) Establish and maintain cordial relationships with Catering and Accommodation Department and all other departments in the University;
- x) In liaison with the Dean of Students' office, ensure that members of the Association live in proper and habitable facilities;
- xi) Be the main point of reference in the Congress on any matter related directly or indirectly to the catering, accommodation, Health, and Water of the members of the Association;
- xii) Coordinate services required whenever members fall sick;
- xiii) Liaise with University Catering Manager for the provision of affordable meals to members of the Association;
- xiv) Advice on medical matters both in Student Council and in Congress;
- xv) Deal with health emergencies in liaison with the University Health Medical/Nurse in charge;
- xvi) Be in charge of matters related to Health and hygiene;
- xvii) Ensure clean water is available to the members;
- xviii) Attend all Student Council and Association meetings unless prevented by sufficient reason made known to the Student Council; and
- xix) Subject to this Constitution, perform duties as delegated to them by the Student Council.

## 8. Secretary for Special Needs

The Secretary for special needs shall:

- i) Be the in-charge of special needs;
- ii) Develop and implement policies of TUMSA relevant to persons with special needs;
- iii) Act as a link between TUMSA and other University Associations concerned with disability and special needs;
- iv) Subject to this constitution perform other duties as delegated by the Chairman and/or the Student Council;
- v) Chair Special Needs Committee;
- vi) Represent members with special needs in the Student Council;
- vii) Maintain updated records of members with special needs;
- viii) Promote the integration of members with special needs in the University community;
- ix) Research and disseminate information on programs, facilities, and services available to persons with special needs;
- x) Coordinate the International Day of Persons with Disabilities and related activities;
- xi) Advise TUMSA and the appropriate University bodies on ways of implementing progressive national and international policies regarding persons with special needs within the University;
- xii) Facilitate registration of persons with disabilities to the National Council of People with Disabilities (NCPWD).

## 9. Satellite Campus Governor

There shall be Satellite Campus Governor of each Campus of the Technical University of Mombasa. The Campus Governor shall:

- i) Generally articulate the special needs, aspirations, and interests of their respective campuses;
- ii) Represent TUMSA in the College Academic Board of their campuses;
- iii) Represent students from their campus in Disciplinary Committee proceedings
- iv) In liaison with the Vice-Chairman be in charge of resource mobilization for campus-based TUMSA activities;
- v) Take part in all the other duties and functions of the Student Council;
- vi) Attend all Student Council and Association meetings unless prevented by sufficient reason made known to the Student Council;
- vii) Perform any other duty as delegated to them by the Chairman and or Student Council.

**10. Satellite Campus Deputy Governor**

The Deputy Governor shall:

- i) Be responsible for internal and external security matters in their respective campuses;
- ii) Assume all academic responsibilities in their respective campus;
- iii) Shall be concerned with financial matters concerning students;
- iv) Act as an internal affairs officer of their respective campuses;
- v) Subject to this Constitution, perform duties as delegated to them by the Student council;
- vi) Satellite campus secretary for sports and social affairs;
- vii) Liaise with the Secretary for Sports and Social Affairs to develop the sports and social affairs policy on their campuses.
- viii) Facilitate and encourage the formation of clubs, societies, teams, associations, and movements in their campuses; in accordance with this Constitution;

- ix) Subject to this Constitution, perform duties as delegated to them by the Student Council.

**Article 27: Standing Committees.**

The Student Council shall have the following Standing Committees

- i) Committee for Academic Affairs hereinafter (CAA).
- ii) Special Investigations, Disciplinary and Security Committee, (hereinafter referred to as SIC)
- iii) Catering, Health, Water and Accommodation Committee, hereinafter referred to as CHWA;
- iv) Finance and Investment Committee hereinafter referred to as FIC,
- i) Sports and Entertainment Committee hereinafter referred to as SEC,
- ii) Gender and Special Affairs Committee hereinafter referred to as GSAC,
- iii) Any other Standing Committee appointed by the Student Council.

**27.1 Academic and External Affairs Committee**

**1. Membership**

Membership of this committee shall be as follows:

- i) Secretary for Academics and External Affairs;
- ii) School/Institute representatives; and
- iii) Deputy Governor of Satellite Campus

**2. Election into Office**

The Secretary for Academics and External Affairs shall be the Chairperson of the Committee. The Vice-Chairperson and the Secretary shall be elected by the members.



### 3. Duties of the Committee

- i) Identify, propose and advise the Congress on external linkages;
- ii) Establish and maintain all external links approved by at least two-thirds (2/3) of all members of the Congress with voting rights and submit contacts of these links to the University Administration;
- iii) Keep copies of all records of communication with external links;
- iv) Keep and update a directory of the Association with all addresses of external links;
- v) Freely avail any information in its possession regarding contacts of any external link maintained or previously maintained by the Association;
- vi) Repair any damage suffered by the Association due to any occurrence implicating it in the eyes of the public;
- vii) Be directly answerable to the Congress on any matter directly or indirectly related to external affairs of the Association;
- viii) Organize community service activities in and out of the University;
- ix) In consultation with the Dean of Students' office, prepare a list of guest speakers;
- x) Maintain all records on Academic Affairs of members of the Association;
- xi) Receive recommendations and complaints from members of the Association;
- xii) Report any form of academic discrimination within the University to the University Administration and receive and investigate any such complaints made by the members of the Association;
- xiii) Ensure no member of the Association suffers any form of academic harassment for failure to respond to any sexual advances or any form of an untoward advance made by any member of the Association.

- xiv) Organize at least one public lecture, seminar, exhibition or congress in consultation with the University every semester for members of the Association;
- xv) Ensure the academic facilities and services provided by the department are easily accessible by members of the Association;
- xvi) Avail to all members of the Association the academic programs of the University four(4) weeks before the end of each semester, with a reminder one week to the end of the semester;
- xvii) Facilitate orientation of new members of the Association in the University;
- xviii) Enhance civic education on students' related University policy; provide information on procedures and regulations on academic matters and the Constitution of the Association.

## **27.2 Special Investigations, Disciplinary and Security Committee**

### **1. Membership**

Membership of this committee shall be as follows:

- i) Vice-Chairman;
- ii) Dean of students;
- iii) University Security officer or his/her representative;
- iv) Secretary Gender Affairs and Special Needs;
- v) Five members nominated from Congress; and
- vi) Chairperson Ambassadors of Peace.

### **2. Duties of the Committee**

- i) Receive information on the conduct of members of staff and TUMSA;

- ii) Attempt to resolve conflicts through arbitration and promote peace and harmony within the University;
- iii) Shall be the consultant organ in respect of conduct and ethical standards expected of the members of TUMSA;
- iv) Promote cordial relationships with the students' welfare in effecting clause (ii) above;
- v) To ensure the Association and the University property is protected during entertainment events organized by the Association;
- vi) To create a team referred to as the "Peace Unit" from persons of high moral standing and integrity, to maintain peace amongst members of TUMSA as and whenever required; and
- vii) To ensure confidentiality of all information received by the committee and to protect the sources of such information during and in the course of performance of its duties.

### **27.3 Catering, Health, Water and Accommodation Committee**

#### **1. Membership**

Membership of this committee shall comprise;

- i) Catering, Health, Water and Accommodation Secretary.
- ii) Two Halls of Residence representatives.
- iii) One member from outside hostels.

#### **2. Chairperson**

The Catering, Health, Water and Accommodation Secretary shall be the Chairperson and spokesperson of this committee;

#### **3. Duties of the Committee**

- i) Be the custodian of all records of communication-related to catering, health, water, and accommodation of the Association;
- ii) Establish and maintain cordial relationships with the Catering, Accommodation, Estates, Health Services, and any other departments within the University;
- iii) In liaison with the Dean of Students' office, ensure that members of the Association live in proper and habitable facilities;
- iv) Respond to the Congress on all matters related directly or indirectly to catering, accommodation, health, and water of members of the Association;
- v) Coordinate services required during sickness or bereavement of students;
- vi) Liaise with the University Catering Manager for the provision of affordable meals to members of the Association;
- vii) To advise on medical matters to both Student Council and Congress;
- viii) To deal with health emergencies in consultation with the University Medical officer/nurse in charge;
- ix) Be in charge of matters relating to medical and hygiene; and
- x) Ensure that clean water is available to the student community.

#### **27.4 Finance Committee**

##### **1. Membership**

Membership of this committee shall be as follows:

- i) Chairman of the Student Association.
- ii) Treasurer of the Student Association
- iii) Secretary-General of the Student Association.
- iv) University Finance Officer or his representative.

- v) Satellite Campus Governor
- vi) Four nominated Members of Congress.

## 2. Chairperson

The Finance Committee shall be chaired by the Treasurer of the Union. S/he shall be the chairperson of all meetings except when giving the Financial Report when a Chairperson shall be elected.

## 3. Duties of the Committee

- i) The Finance Committee shall ensure that all finances of TUMSA are administered under a system of accounting recognized by the Institute of Certified Public Accountants of Kenya, with the supervision of the University;
- ii) The Internal Auditor of the University shall audit the period of operation of the Student Council and the same shall be presented to the Student Council and tabled at the AGM. The audit shall take place one month before the AGM. The Finance Committee shall propose a requisite audit fee payable to the Internal Audit to facilitate the audit process;
- iii) In consultation with the Student Council, the Finance Committee shall prepare the budget, allowances, financial allocations and expenditure, as well as audit reports and present them to the Congress for approval within the first three (3) weeks after the formation of Congress.
- iv) The budget shall be inclusive of the semester's financial revenue under which it has been drawn. The Student Council shall present the approved budget, financial allocations, audit report and expenditure for ratification to the Student Welfare Committee of the Congress; and

- v) To prepare the report and statement of accounts, including income and expenditure for the semester for approval and publication at every 6<sup>th</sup> and 12<sup>th</sup> week of every semester.

## 27.5 Sports And Entertainment Committee

### 1. Membership

The membership of this committee shall consist of:

- i) Secretary for Sports and Entertainment
- ii) Four nominated Members from Congress.
- iii) Secretary for Gender Affairs and Special Needs.
- iv) Sports and Social affairs secretary from each satellite campus

### 2. Duties of the Committee

The Sports and Entertainment Committee shall:

- i) Keep all communication records related to sports and entertainment events held within or outside the University;
- ii) Organize and host forms of entertainment approved by Congress and appropriate to the members of the Association;
- iii) Keep and maintain all entertainment equipment belonging to the Association;
- iv) Maintain an exhaustive inventory on all the entertainment equipment;
- v) Keep an account of all funds accruing from Entertainment Fee;
- vi) Submit all financial proceeds accruing from hosting entertainment events to the Treasurer together with supporting documents. Such supporting documents in respect of transactions shall be endorsed by the Finance Committee;

- vii) Prepare a Financial statement within the first two weeks of every semester showing the expenditure on entertainment events held the previous semester;
- viii) Receive recommendations and complaints regarding entertainment activities from members;
- ix) Prepare and submit to Congress, a schedule of planned entertainment events within two weeks from the date of swearing-in;
- x) Be the principal authority on matters of entertainment answerable to the members of the Association;
- xi) Be directly answerable to the Congress on any matter directly or indirectly related to the entertainment.

## **27.6 Gender and Special Affairs Committee (GSAC)**

### **1. Membership**

Membership of the committee shall be as follows;

- i) Secretary for Special Needs;
- ii) Student Council member responsible for Gender Affairs;
- iii) One member from the Special Interest Needs;
- iv) The Dean of Students;
- v) Two other members nominated by the Congress;
- vi) University Counsellor (Guidance and Counselling); and
- vii) Sports and Social Affairs secretaries from each satellite campus.

### **2. Duties of the Committee**

- i) Identify and consider financially needy cases within the student population for consideration for financial assistance from the Social Welfare Fund;

- ii) Identify students with special needs and advise the Congress on how they can be supported;
- iii) Be responsible for mobilization of resources towards the Social Welfare Fund; and
- iv) Ensure gender equality is upheld in all sporting activities in the University.

**Article 28: Vote of No Confidence or Impeachment**

A Vote of No Confidence in any Congress Member or Office bearer of the Student Council shall originate from a member(s) of TUMSA as provided hereunder:

- i) A Vote of No Confidence in the Student Council shall require a Petition by way of signatures by at least 2/3 of members of TUMSA;
- ii) A Vote of No Confidence in a member of Congress the petitioner(s) shall need the support of at least 1/2 of members of their respective areas of representation and presented to the UEC;
- iii) A vote of no confidence against the whole Council or any member shall be granted only if 2/3 of all members vote for the impeachment;
- iv) In the event of the Vote of No Confidence being carried out as provided for herein, such member(s) shall vacate office(s) immediately;
- v) In the event of the vote of no confidence against the whole of the Student Council as provided for herein, a general election in respect thereof shall be held within thirty (30) days after the vote
- vi) In the event of a vote of no confidence against the whole Student Council, Congress shall, from among its members, appoint a Caretaker Committee to run the affairs of TUMSA pending elections.



## CHAPTER SIX

## FINANCE AND INVESTMENTS

**Article 29: Revenue**

TUMSA shall secure its revenues from lawful sources including;

- i) Membership fees;
- ii) Allocations from the University;
- iii) Donations;
- iv) Grants;
- v) Income from business premises duly approved by the University Management Board; and
- vi) Any other lawful means.

**Article 30: Collection of Revenue**

- i) Collection of TUMSA fees shall be done for onward remission to the TUMSA bank account in the manner prescribed by the University Management;
- ii) The membership fee shall be paid once at the time of initial registration;
- iii) The subscription fee shall be paid at every subsequent semester; and
- iv) Any other monies collected by TUMSA shall be remitted to the TUMSA Account and the remittance reported to the Student Council and Congress.

**Article 31: Expenditure**

- i) All monies received for TUMSA must be spent as per the approval of Congress for the benefit of TUMSA;

- ii) In case of an emergency, the Student Council may authorize an expenditure not provided for in the approved budget, in this case, the Treasurer shall report the expenditure to Congress and request its retroactive approval for it.

**Article 32: Petty Cash**

- i) The Treasurer may keep such amounts as petty cash disbursement as determined by the Congress;
- ii) Congress shall authorize the disbursement of up to **Kshs Ten thousand (10,000)** at a time;
- iii) After the initial withdrawal of petty cash has been spent, the Treasurer shall make a subsequent withdrawal only with the approval of the Student Council and the withdrawal shall be reported to Congress at its next sitting.

**Article 33: Remuneration of Office Bearers**

- i) During TUMSA workshops, trips and related activities the University shall provide the accommodation expenses of TUMSA officials and subsistence expenses of up to Kenya Shillings Eight Hundred (Kshs. 800/=) per person per day, which is subject to review from time to time;
- ii) Each committee member shall be entitled to a sitting allowance of Kenya Shillings One Thousand (Kshs. 1000 / =) per sitting;
- iii) Each committee shall hold a maximum of three (3) meetings per semester;
- iv) The financial allowances and benefits paid to office bearers shall be reviewed by the Finance Committee with approval of the Congress provided that:

- a) Such determination shall not be to the disadvantage of incoming office bearers;
- b) Such determination is based on evidence of TUMSA`s sustained increase in income.

#### **Article 34: Signatories to the Association`s Bank Account**

##### **1. Approval**

Subject to approval by the Finance and Investments Committee of Congress TUMSA may operate any type of bank account or TUMSA vote for convenience and profitability.

##### **2. Signatories**

The signatories to the TUMSA account/vote shall be: -

- i) The Dean of Students` who will be the Principal Signatory;
- ii) The Treasurer who will also be a Principal Signatory;
- iii) The Chairman; or
- iv) The Secretary-General.

#### **Article 35: Association`s Investments and Assets**

- i) The Vice-Chairman shall in consultation with the Congress get proposals from the students on investment ideas;
- ii) With the approval of Congress, the Student Council shall establish a Board to consider and oversee the investments.

**Article 36: Books of Accounts**

- i) TUMSA shall maintain proper books of accounts that shall be made available for audit;
- ii) TUMSA`s accounts shall be audited by the University`s Internal Auditor four (4) weeks before the AGM;
- iii) The audited accounts and Balance Sheet shall be published after approval by Congress and not later than seven (7) calendar days before the AGM.

**Article 37: Campus Decentralization Funds (CDF)**

With Congress`s approval, TUMSA shall prepare a semester budget, for finances to be used for Campus-based activities in each campus.

## CHAPTER SEVEN

## ELECTIONS

**Article 38: Elections**

- i) Elections shall be held between the 10<sup>th</sup> and 12<sup>th</sup> week of the Second Semester;
- ii) Congress shall be dissolved by the Chairman through a motion fourteen (14) days before the election date;
- iii) If the Chairman fails to dissolve the Congress, Congress shall stand dissolved two (2) days after the date on which it should have passed a motion of dissolution.

**Article 39: Qualification Criteria for Candidates**

An ordinary member is qualified for election to the Student Council if at the time of the election he/she:-

- i) Is a registered *bona fide* Technical University of Mombasa;
- ii) Has been nominated by at least 300 ordinary members;
- iii) Has at least one Academic Year left of the program of initial registration for study such period shall exclude of industrial attachment;
- iv) Has an average grade of C in the program being undertaken and holds no Academic Warning;
- v) Is within the normal time frame for completion of the program registered for, unless granted an exemption from this requirement for reasons acceptable to the University;
- vi) Has completed at least two semesters with a full load of academic study totalling at least twelve units in the current program of study;

- vii) Is studying at the respective campus s/he seeks to serve as a Governor;
- viii) Is a fully paid-up member of TUMSA;
- ix) No candidate shall be eligible for election in more than one position in an election;
- x) No candidate shall be eligible for election if they have held a Student Council position for two terms;
- xi) All candidates shall submit a current certificate of good conduct from the CID department; and
- xii) Has paid the nomination fee to the Student Association Account and presented the receipt to the University Electoral Commission.
- xiii) No candidate with a fee balance shall be eligible for an election.

**Article 40: Nomination Procedure**

- i) Nomination papers shall be picked from the UEC nineteen (21) days before the election date;
- ii) Every candidate shall pay a non-refundable Nomination Fee as follows:
  - a) Chairman Kshs. 12,000;
  - b) Vice-Chairman Kshs. 10,000;
  - c) Secretary-General Kshs. 10,000;
  - d) Satellite Campus Governor Kshs. 8,000 Satellite campus governor; and
  - e) Deputy Governor and Campus Secretary for Sports and Social Affairs to pay Kshs. 7,000 each.
- iii) The fee shall be paid into the TUMSA Account and the receipt presented to the UEC as proof of compliance;

- iv) Nomination papers for candidature for all Students' Council posts shall be signed by the candidate, his/her proposer and shall be seconded by three hundred members.
- v) Duly signed nomination papers shall be submitted to the UEC within Nine (9) to Twelve (12) days before the date of the election between 8 a.m. and 5 p.m. on working days;
- vi) The nomination papers shall be returned in designated places in the contestants' respective campuses;
- vii) The UEC shall announce the names of nominated candidates within two (2) days of submission of nomination papers and cause to be prominently published at the notice boards and University website;
- viii) Official campaigns shall begin immediately after the publication of the list of nominees by the UEC and shall last for seven (7) days and end a day before the date of elections;
- ix) All rules and regulations governing the conduct of campaigns by candidates and their supporters shall be published by the UEC. Once published, any such rules and regulations may not be amended during the same election and shall be made available and signed by all validly nominated candidates;
- x) The UEC shall be the sole interpreter of any such rules and regulations, subject to the complaints procedures outlined in the Constitution;
- xi) The UEC shall organize campaign debates in all the campuses for all contestants ;
- xii) A candidate validly nominated may withdraw his/her candidature by a written notice signed by the candidate and witnessed by three witnesses, one of whom shall be a person mentioned under clause (iv) of this Article, delivered to the UEC at least twenty four (24) hours before the date scheduled of elections.

- xiii) Once the candidate has submitted his/her nomination papers, s/he shall not change the post; and
- xiv) The governor and the running mate shall present their nomination papers at the same time.

## **Article 41: Voting Process**

### **1. Governing Statues**

Every Students' Council shall be elected in accordance with the Universities Act 2012 and its membership shall:

- i) reflect national diversity; and
- ii) have not more than two-thirds of its members being of the same gender.

### **2. The Process**

- i) For purposes of conducting the election of the members of the Student Council, the Students' Association shall constitute itself into electoral colleges based on either academic departments or schools as may be appropriate;
- ii) The Members of each electoral constituted college shall elect three representatives as follows:
  - a) from amongst persons who are not candidates; and
  - b) of whom not more than two-thirds shall be of the same gender.
- iii) The representatives of each Electoral College shall elect members of the Student Council within thirty days of the election;
- iv) TUMSA elections shall be by secret ballot, simple majority system and on the principle of one delegate one vote;
- v) The ballot boxes shall be transparent, of a fixed number, counted, certified and recorded;



- vi) Notwithstanding the provisions in clause 2, the UEC may consider electronic voting;
- vii) For purposes of identification, elected electoral delegates shall be required to produce a valid student and/or national identity card or a passport;
- viii) The Electoral Roll/Register shall be prepared by the University Registrar Academic Affairs;
- ix) The polling stations shall be determined by the UEC;
- x) Vote counting shall be presided over by the Returning Officer;
- xi) Candidates or their agents have the right to witness the counting and tallying;
- xii) The tallying shall be presided over by the UEC;
- xiii) Tallying shall be done at such places as may be determined from time to time by the UEC;
- xiv) Whenever there is a tie, such elections shall be held afresh (*de novo*) until a candidate obtains a simple majority;
- xv) A candidate shall be entitled to a maximum of three recounts;
- xvi) The candidate who gets a simple majority shall be declared the winner;
- xvii) The UEC shall announce within one (1) day and cause to be prominently published immediately thereafter, the results of the elections.

**Article 42: Election Petition Panel**

- i) There shall be an Independent Election Petition Panel, hereinafter referred to as “ The Panel”;
- ii) The panel shall be appointed by the UEC and shall consist of students, members of the University staff and members of the UEC;
- iii) The panel shall consist of five (5) members;

- iv) The Chair of the Panel shall be the Deputy Vice-Chancellor; ARE. The remaining members of the panel shall be the University Legal Officer, the Student Counsellor, and two representatives from the Students' Religious Association not being members of the UEC; and
- v) The Panel shall be constituted before the dissolution of Congress.

### **Article 43: Election Petitions**

#### **1. Grounds of Petition**

A petition may be lodged with the Panel by a candidate or any member of TUMSA on any of the following grounds:

- i) Whenever such a candidate or member has reason to believe or has evidence that there has been a contravention of any election procedure or rule during the election period;
- ii) Whenever there is an allegation of bribing/treating voters, intimidation and/or harassment of voters and/or candidates, and or their polling agents;
- iii) Whenever there is an allegation that a candidate has otherwise breached this constitution;
- iv) A Petitioner may bring a petition regarding nominations, campaigns and/or elections.

#### **2. The Petition**

- i) A Petition must be lodged not later than seven (7) days after the elections and must be signed by at least three hundred (300) members of TUMSA;
- ii) The Chairperson of the panel shall notify the parties concerned of a petition within forty-eight (48) hours of the petition;

- iii) The Panel shall sit at such places as it may determine from time to time;
- iv) The Panel shall determine petitions expeditiously, not more than five (5) days after lodging of the petition;
- v) The Petitioner or the respondent may be allowed to have legal representation;
- vi) The hearing of the petition shall be *inter partes* (all parties present) save where a party fails to attend with any reasonable excuse, in which case an *ex parte* (one party present) hearing may be held; or proceedings taken as the Panel may deem fit and just;
- vii) The decision of the Panel shall be submitted to the UEC for direction; and
- viii) The decision of the committee shall be final.

#### **Article 46: By-Elections**

##### **1. Cause for By-Election**

A by-election shall be held whenever an office or seat falls vacant because of:-

- i) A successful petition;
- ii) Cessation of studentship through expulsion from, or discontinuation by the University;
- iii) Imprisonment for a term longer than three months;
- iv) Death or physical or mental infirmity;
- v) Vote of no confidence by Congress;
- vi) Contravention of the Public Officers Ethics Act 2003, or the Anticorruption and Economic Crimes Act 2003; or the Leadership and Integrity acts 2012; or the Public Order Act Cap 56, Laws of Kenya;
- vii) Resignation or suspension from the university for a period longer than three (3) months; and

- viii) A Member of Congress elected a speaker hence creating a vacancy in his/her representation.

## 2. Date of By-Election

The by-election shall take place within fourteen (14) days of the office or seat falling vacant and shall follow the same procedure as provided for Chapter Four of this Constitution;

- i) **PROVIDED**, that no by-election shall be held within three (3) months to the next General Election;
- ii) **PROVIDED**, that where the seat of a Student Council member falls vacant, the remaining members of the Student Council shall appoint another Student Council member in an acting capacity for the vacant seat, subject to the approval of Congress; for a period not exceeding beyond ninety (90) days.

### Article 44: Swearing-In

- i) The elected officials shall be sworn in by the University Legal Officer within seven days of the announcement of the results and a certificate issued to the winning candidates;
- ii) Should there be an unsuccessful election petition, then the Swearing in shall be done two working days after the petition verdict is made known;
- iii) The ceremony shall take place before the public at the Graduation Square or at such other place as may be designated by the UEC; and
- iv) Elected officials shall take office immediately upon being sworn in.

**Article 45: University Electoral Commission****1. Composition**

There shall be an Electoral University Commission as established in this Constitution.

It shall comprise of:

- i) Nominated members from the Religious Association;
- ii) A representative from Special Needs;
- iii) 2 campus representatives;
- iv) The Dean of Students shall be the Returning Officer and an ex officio member of the UEC.

**2. Authorities and Responsibilities**

UEC shall have authority over and shall be responsible for:

- i) Congress elections i.e. election of Members of Congress and the Student Council;
- ii) Conduct the election of Speaker and Deputy Speaker at the opening of Congress;
- iii) Oversee elections of Captains for various teams;
- iv) Conduct elections for Class Representatives;
- v) Maintain order during campaign polling and counting of ballots;
- vi) Provide necessary and relevant information to contestants; and
- vii) Oversee the nomination procedure.
- viii) The Returning Officer shall forward two names from each religious associations, special needs representatives and campus representatives for consideration by Congress on the appointment of the UEC. Congress will then vet and appoint the Seven (7) members of the UEC;

- ix) The Chairperson of the UEC will be elected at its first meeting from amongst the members present;
- x) Should a decision be required at the sitting of the UEC only the student members shall have a vote; and
- xi) The Returning Officer will be required to present a written report on the outcome of the election to enable the UEC to declare the successful candidate.

## CHAPTER EIGHT

### GENERAL PROVISIONS

#### Article 47: Leadership and Integrity

##### 1. Responsibilities of a Student Leader

Any student, elected, nominated, or appointed to any organ of TUMSA and any authority mandated to elect, nominate or appoint shall:

- i) Demonstrate respect for the TUM students, their wishes and aspirations;
- ii) Uphold the dignity and place of TUM as a University with a difference; and
- iii) Demonstrate courage and determination to serve, rather than to rule TUMSA.
- iv) Demonstrate personal integrity, competence, and suitability or election in free and fair elections;
- v) Uphold impartiality and objectivity in decision-making, ensuring that decisions are not influenced by nepotism, favouritism and other improper motives or corrupt practices;
- vi) Demonstrate honesty in the execution of public duties;
- vii) Always declare a conflict of interest in their daily execution of public duty; and
- viii) Uphold discipline and commitment in the service to the TUMSA.

##### 2. Conduct of a Student Leader:

A student leader shall carry himself/herself in a manner that avoids:

- i) Any conflict between personal interest and public or official duties compromising the interests of students of TUMSA and a personal interest or demeaning the office the student leader holds;
- ii) Any student leader who contravenes clause (1) above or Article 4 and/or 5; maybe dismissed or removed from office;
- iii) A student leader who has been removed from office for contravention of the provisions of conduct above is disqualified from holding any other office or position, be it elective, nominative or appointive for the remaining period of the academic life of such student.

**3. Financial Probity of Student Leaders;**

- i) A gift or donation to a student leader on a public or official occasion is a gift or donation to students of Technical University of Mombasa and shall be delivered to the Dean of Students for award/ remittance to the appropriate organ of the Association or the University,
- ii) A student leader shall not keep any monetary gift belonging to the Students' Association in his/her personal account (s).

**4. Restriction on Activities of Student Leaders**

An elected student leader shall not hold office in any association or Association, except if the Association is professional or religious and does not conflict with the mandate of the Student Leader as provided in this constitution.

**5. Legislation on Leadership**

The student's Congress shall enact legislation;

- i) Establishing the penalties and mechanisms for the effective administration of this Chapter;



- ii) Prescribe the penalties that may be imposed in the event of contravention of this Chapter; and
- iii) Make any other provision necessary for ensuring the promotion of the principles of leadership, the safeguard of the preamble, and the achievement of the intents of this Chapter.

**Article 48: Dissolution**

- i) The Association shall not dissolve, except by a resolution passed by an AGM by a vote of at least two-thirds 2/3 of all TUMSA members.
- ii) Congress shall provide in its standing order the procedure of dissolution of TUMSA.

**Article 49: By-Laws and Policies**

- i) Subject to this Constitution, the Student Council shall prepare By-Laws and policies governing the function of TUMSA and submit them to Congress for approval;
- ii) Any member of Congress may propose a by-law or policy that shall be submitted to the relevant Congress Committee for discussion and if approved by that Committee, tabled in Congress;
- iii) Any member of Congress may propose amendments to existing by-laws, policies and the various schedules annexed to this Constitution;
- iv) By-laws and policies approved by Congress shall be binding to all Members of TUMSA and violators of these by-laws and policies shall be subject to the disciplinary measures provided for in this Constitution.

**Article 50: Amendment of Constitution**

An amendment to this Constitution shall be enacted and approved by a referendum if the amendment relates to any of the following matters:

## 1. The functions of the Congress

- i) Candidates' Qualification as Stipulated in Article 40;
- ii) Dates of Election as Stipulated in Article 39;
- iii) The structure and composition of the Student Council or the Congress.

## 2. Approval of Amendment

An amendment shall be approved by a referendum under clause (a) if:

- i) At least  $\frac{1}{2}$  of the registered members of TUMSA vote in the referendum and;
- ii) The amendment is supported by a simple majority of the members voting in the referendum;
- iii) An amendment to this constitution that does not relate to matters specified in clause (a) shall be enacted by having any member of Congress proposing an amendment to the Constitution by bringing to Congress for debate a motion to amend the Constitution. In such a case, Congress shall only accede to the amendment motion if it passed by a  $\frac{2}{3}$  majority;
- iv) This constitution can only be amended three (3) years after its inauguration unless the amendment is provided for through an Act of Congress.

### Article 51: Interpretation of the Constitution

- i) With due regard to the Laws of the Republic of Kenya and explicit and implicit powers given to Technical University of Mombasa (TUM) University Charter 2013, this Constitution draws its authority from the members of the TUMSA;
- ii) This Constitution shall be interpreted in a manner that:
  - a) Promotes the intent of this Constitution as stated in the preamble;

- b) Enables members to reach the goals and objectives of TUMSA as stated in this Constitution;
- c) Encourages the creative and responsible development of students;
- d) Avoids technicalities that defeat the purpose of this Constitution;
- e) In cases where ambiguity in the interpretation of this Constitution may arise and members fail to agree on any provision then the High Court of Kenya through the powers conferred to it under Article 165(6) and (7) of the Constitution of Kenya shall be invited for interpretation as the last resort.

**Article 52: Transitional Provisions**

- i) This Constitution shall come into effect once it has been adopted by the Senate and approved by the University Council;
- ii) Upon enactment of this Constitution, all previously enacted Constitutions of adopted shall cease to apply to save as were provided for under this Constitution;
- iii) Where under this Constitution Congress is required to make rules and or regulations, the existing rules and/ or regulations shall apply until such a time as when Congress makes other rules and or regulations; and
- iv) All acts, which have been constitutionally undertaken, by the Student Council and Congress shall be regarded to be valid under this Constitution.



**CONTACT:**

**Technical University of Mombasa (TUM)**  
Tom Mboya Street Tudor,  
P. O. Box 90420 - 80100,  
Mombasa - Kenya.

Tel: (254) 41-2492222/3,

Fax: (254) 41- 2495632,

Mobile: (+254) 0733 -955377 | 020 8095365 | 020 8095368 | 020 8095371

E-mail : [vc@tum.ac.ke](mailto:vc@tum.ac.ke)

Website: [www.tum.ac.ke](http://www.tum.ac.ke)



TUM IS ISO 9001: 2015 CERTIFIED

*A Centre of Excellence*