



## THE TECHNICAL UNIVERSITY OF KENYA

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### Office of the Director Students Support Services

## URGENT NOTICE TO ALL STUDENTS

This is to bring to your attention amendments to section 41 of the **Universities Act, 2012** herein referred to as **THE UNIVERSITIES (AMENDMENT) ACT, 2016** which took effect from 13<sup>th</sup> January, 2017.

All students are required to acquaint themselves with the contents of the documents regarding the matter of students' union composition and the election process and forward their written suggestions on how to implement the amendments via [dean\\_students@tukenya.ac.ke](mailto:dean_students@tukenya.ac.ke)

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### Section 41 of the Universities Act, 2012 provides for Students' Association as follows:

- (1) Every university shall have a students' association.
- (2) The functions of a Students' Council shall be to—
  - (a) oversee and plan, in consultation with the Senate, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being of all students;
  - (b) draw to the attention of the appropriate authority, where necessary, special needs form particular students;
  - (c) offer suggestions to the Senate or its equivalent on matters affecting the well being of students; and
  - (d) undertake such other functions as provided in its governance instrument as approved by the Council.
- (3) Every University shall have a Students' Council elected by the Students Association, and not more than one-third of the Council shall be of the same gender where applicable.

### AN ACT of Parliament to amend the Universities Act, 2012 and for connected purposes hereto referred as **THE UNIVERSITIES (AMENDMENT) ACT, 2016**

Date of Assent: 23<sup>rd</sup> December, 2016

Date of Commencement: 13<sup>th</sup> January, 2017

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### Section 41 of the principal Act is amended -

- (a) in subsection (1) by inserting the words "comprising of all students of the university" immediately after the word "association";
- (b) by inserting the following new subsections immediately after subsection (1)-
  - (1A) A students' association shall be governed by a students' council comprising of—
    - (a) a Chairperson;



- (b) a Vice Chairperson who shall be of opposite gender with the Chairperson;
- (c) a Treasurer;
- (d) a Secretary-General who shall be the secretary to the Council; and
- (e) three other members to represent special interests of students.

(1B) Every students' council shall be elected in accordance with this Act and its membership shall-

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

(1C) For purposes of conducting the election of the members of the student council referred to in subsection (1A), the students' association shall constitute itself into electoral colleges based on either academic departments, schools or faculties, as may be appropriate.

(1D) The students of each electoral college constituted under subsection (1C) shall elect three representatives –

- (a) from amongst persons who are not candidates under subsection (1A) ; and
- (b) of whom not more than two-thirds shall be of the same gender.

(1E) The representatives of each electoral college shall elect the members of the student council within thirty days of the election under subsection (1D).

(1F) A member of the student council shall hold office for a term of one year and may be eligible for re-election for one final term.

(1G) A person who has held office as a member of the student council of a University for two terms is disqualified from election as a member of the student council of any other University or constituent college in Kenya.

(1H) Every students' association shall, in consultation with the University, formulate and enact rules to govern the conduct of elections including regulation of campaigns, election financing, offences and penalties.

(1I) An election conducted pursuant to this section shall comply with the general principles of the Kenyan electoral system under Article 81 of the Constitution and the rules governing the election of members of the student council.

- (c) by deleting subsection (3).

Omondi Oketch, Ph.D.; MA; BE.d.

**ASSOCIATE PROFESSOR OF LINGUISTICS &  
DIRECTOR, STUDENT SUPPORT SERVICES**

Copy to: Vice Chancellor  
Deputy Vice Chancellor, ARS  
University Secretary