

**NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY**

SPECIAL ISSUE

645

Kenya Gazette Supplement No. 115

4th June, 2021

(Legislative Supplement No. 44)

LEGAL NOTICE No. 95

THE UNIVERSITIES ACT

(No. 42 of 2012)

CHARTER FOR NATIONAL DEFENCE UNIVERSITY-KENYA

IN EXERCISE of the powers conferred by section 24 of the Universities Act 2012, the Cabinet Secretary for Education certifies that the Charter set out in the Schedule hereto has been granted to National Defence University-Kenya in accordance with the provisions of the Act.

Dated the 27th May, 2021.

GEORGE A. O. MAGOHA,
Cabinet Secretary for Education.

SCHEDULE

THE UNIVERSITIES ACT

(No. 42 of 2012)

NATIONAL DEFENCE UNIVERSITY-KENYA CHARTER

PREAMBLE

WHEREAS the Government of Kenya realizing emerging global security threats which require highly specialized strategic training, research and decision making, wishes to establish National Defence University - Kenya as an institution of national strategic importance situated in Nakuru County in the Republic of Kenya;

AND WHEREAS the said National Defence University - Kenya has applied to the Commission for University Education, for the grant of Charter to provide for the establishment, control, governance, and administration of the University and for connected purposes, in the manner prescribed by the Universities Act;

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of National Defence University - Kenya are consistent with the provisions of Section 24 of the Act and the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that National Defence University - Kenya has complied with the provisions of the Act;

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution, and the Cabinet Secretary is satisfied that National Defence University - Kenya should be granted this Charter;

AND WHEREAS the Cabinet Secretary for Education has submitted this Charter to me with recommendations thereon;

AND WHEREAS, I am satisfied that the granting of this Charter to National Defence University Kenya will be of strategic national importance in the area of national security through a whole of government approach;

NOW THEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by Section 24 of the Universities Act, 2012, I, Uhuru Muigai Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to National Defence University – Kenya.

THE NATIONAL DEFENCE UNIVERSITY— KENYA CHARTER

ARRANGEMENT OF SECTIONS

PART I— PRELIMINARY

- 1—Short Title.
- 2—Interpretation.

PART II— ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

- 3—Establishment of National Defence University – Kenya.
- 4—Vision and Mission.
- 5—Philosophy.
- 6—Guiding Principles.
- 7—Objects and Functions of the University.
- 8—Admission to the University.
- 9—Establishment of Constituent Colleges.
- 10—Establishment of Campuses and Colleges within the University.
- 11—Conferment, Granting, Cancellation and Withdrawal of Degree, Diplomas, Certificates and other awards.
- 12—Award of Scholarships.

PART III— MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

- 13—Membership of the University.
- 14—The Chancellor.
- 15—The Chairperson of the Council.
- 16—The Council.
- 17—The Vice-Chancellor.
- 18—The Deputy Vice-Chancellors.
- 19—The Heads of Constituent Colleges.
- 20—Heads of Colleges or Institutions of the University.
- 21—The Senate.

22—Alumni Association.

PART IV— MANAGEMENT OF THE UNIVERSITY

23—The University Management Board.

24—Staff of the University.

25—Convocation.

26—Performance of functions during incapacity of senior office holder.

PART V — FINANCIAL PROVISIONS

27—Fiscal Year.

28—Investment of Funds.

29—Annual Estimates.

30—Accounts and Audit.

31—Unexpended Monies.

32—Funds and Resources.

PART VI—MISCELLANEOUS PROVISIONS

33—Associations, collaborations or linkages.

34—Instruments of Governance.

35—Common Seal and Instruments of Authority.

36—Statutes.

37—Protection of Name.

38—Transitional.

39—Variation and Revocation of this Charter.

NATIONAL DEFENCE UNIVERSITY—KENYA CHARTER

PART 1—PRELIMINARY

Short Title

1. This Charter shall be cited as the National Defence University Charter.

Interpretation

2. In this Charter, unless the context otherwise requires—

“academic year” means a continuous period of teaching, examination and study organized in a full year mode, semester mode, trimester mode and quarter mode and extending over not less than thirty weeks in a calendar year;

“Act” means the Universities Act No. 42 of 2012;

“Alumni Association” means the organization of all graduates, former students of the University and such other persons as may be declared under this Charter;

“Annual Estimates” means the estimates approved under Section 44 of the Act, in respect of any financial year;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for University Education;

“Campus” means a campus established in the University pursuant to Section 20(d) of the Act;

“Chairperson of the Council” means the person appointed under paragraph 15 of this Charter;

“Chancellor” means the Chancellor of the University appointed under Section 38 of the Act;

“Commission” means the Commission for University Education established by Section 4 of the Act;

“Constituent College” means a college established under paragraph 9 of this Charter;

“Council” means the Council of the University established under paragraph 16 of this Charter;

“financial Year” means a financial year within the meaning of Section 50 of the Act;

“Institute” means an institute of the University established by the Statutes;

“student” means a person registered by the University for the purposes of receiving instructions in a particular area of study with a view to obtaining a qualifications of the University or any other person who is determined by the Senate to be a student;

“Statutes” means the Statutes of the University made under paragraph 36 of this Charter;

“Senate” means the Senate of the University established under paragraph 21 of this Charter;

“University” means National Defence University- Kenya established under paragraph 3 of this Charter;

“University Management Board” means the University Management Board established under paragraph 23 of this Charter; and

“Vice-Chancellor” means the Vice Chancellor of the University appointed under paragraph 17 of this Charter;

PART II— ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

Establishment of National Defence University – Kenya

3. (1) There is hereby established a University to be known as National Defence University – Kenya in accordance with the Universities Act and this Charter.

(2) The University 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, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Charter which may be done by a corporate body.

(3) The University shall focus on training and capacity building on practical realities of Kenya’s national security concerns, act as a think tank or a policy institute for government and offer strategic thinking and direction.

(4) The overall management of the University shall be vested in the Ministry responsible for Defence in collaboration with the Ministry responsible for University Education.

(5) The seat of the University shall be situated in Nakuru County in the Republic of Kenya.

Vision and Mission

4. (1) *Vision*: “A Premier Centre of Excellence in training and research in National Security and Strategy.”

(2) *Mission*: “to advance human intellectual capacity in management of national security through the pursuit of education, research, innovation and community outreach to produce graduates of honour and integrity, capable of securing the country and enhancing national performance.”

Philosophy

5. The philosophy of the National Defence University- Kenya embodies the core belief, values, and commitment to excellence, integrity, and professionalism that inspire sustained advanced training, research, strategic thought leadership, and practice in national security and strategy to transform Kenyan society, and the University shall endeavour to train, nurture and inspire transformative leadership fused with passion, patriotism, and responsibility for national development.

Guiding Principles

6. The guiding principles of the University shall be—

- (a) academic freedom;
- (b) diversity, flexibility and open inquiry;
- (c) intellectual honesty and excellence;
- (d) institutional and personal responsibility;
- (e) collaboration; and
- (f) discipline, integrity and dignity.

Objects and Functions of the University

7. (1) The University is established to provide quality education in security matters and related areas to qualified participants in order to achieve excellence in training and research for enhanced national performance.

(2) The University shall have the following functions—

- (a) advancing knowledge through training of students to transform themselves;
- (b) promoting learning in the student body, train and retrain higher level professionals to build capacity for government;
- (c) providing directly, or in collaboration with other institutions of higher learning, facilities for technological, professional, and scientific education;
- (d) contributing to industrial and technological development of society in collaboration with industry and other organizations;
- (e) equipping students with critical analytical skills for management and decision making at all levels;
- (f) providing a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (g) facilitating student mobility between programmes of study at different training institutions;
- (h) acting as a focal point and national think tank on national security matters by collaborating with like-minded institutions and agencies for national development;
- (i) providing a forum for national strategic thinking and address the gap in training for formulation of national security policy and strategy;
- (j) being a focal point for agencies on national strategic security research and development and dissemination for policy making;
- (k) promoting the highest standards in, and quality of, teaching and research;
- (l) conducting examinations for, and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;
- (m) developing and offering courses of instruction to military personnel, public servants and students on security and related areas of study;
- (n) developing the content of academic and research programmes;

- (o) providing adequate equipment and facilities necessary for quality higher education, research, innovation and extracurricular activities; and
- (p) providing appropriate policies, infrastructure, institutional framework and other resources necessary for promoting quality teaching, research, innovation, industry linkages and community outreach.

Admission to the University

8. (1) Admission to the University of candidates for degrees, diplomas, certificates, or other awards shall be open to persons accepted as being qualified by the Senate in accordance with the prevailing admission criteria prescribed in the Statutes.

(2) The University shall charge such fees or levies as may, from time to time, be approved by the Council.

Establishment of Constituent Colleges

9. The Cabinet Secretary may, on the recommendation of the Council and the advice of the Commission, by order published in the *Gazette*, establish or declare an institution of learning or higher education or any other training establishment specializing in national security issues to be a constituent college of the University.

Establishment of Campuses and Colleges within the University

10. (1) The Council may, on the advice of the Senate, establish colleges and campuses within the University whose functions and powers shall be provided for in the Statutes.

(2) A College or Campus established within the University shall consist of such faculties, schools or institutes, in such manner as may be provided for in the Statutes.

Conferment, Granting, Cancellation and Withdrawal of Degrees, Diplomas, Certificates and other Awards

11. (1) Subject to this Charter, the University may—

- (a) award Diplomas, Postgraduate Diplomas, Certificates or other awards;
- (b) confer Bachelors, Masters and Doctoral Degrees; and
- (c) confer honorary degrees or any other academic recognition upon a person who has rendered distinguished service as provided for in the Statutes.

(2) Subject to this Charter, the Council may, on the recommendation of the Senate, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

Award of Scholarships

12. Subject to this Charter, the University may award scholarships, fellowships, bursaries, prizes and such other awards as may be provided for by the Statutes.

PART III—MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

Membership of the University

13. (1) The members of the University shall be—

- (a) the Chancellor;

- (b) the members of the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals, Directors and Commandants of Colleges and Institutions of the University;
- (f) the Principals and Heads of Constituent Colleges;
- (g) the Deans and Directors of Faculties or Institutes;
- (h) the Head of Legal;
- (i) the Staff of the University;
- (j) the University Librarian;
- (k) the Registrars;
- (l) the Alumni;
- (m) the Students;
- (n) such other members of staff of the University or any other body formally admitted into association with the University as the Council may from time to time determine.

(2) The members of the University shall enjoy such rights and privileges as may be specified in the Statutes.

The Chancellor

14. (1) The Chancellor of the University shall be the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces.

- (2) The Chancellor shall—
 - (a) be the titular head of the University and shall in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
 - (b) from time to time recommend for a visitation of the University;
 - (c) from time to time direct or give advice to the Council which the Chancellor considers necessary for the betterment of the university; and
 - (d) enjoy such powers and privileges and perform such other functions as may be provided in the Statutes.

The Chairperson of the Council

15. The Chief of the Defence Forces shall be the Chairperson of the Council.

The Council

- 16. (1) There shall be a Council of the University which shall consist of—
 - (a) the Chairperson, referred to in paragraph 15;
 - (b) the Vice-Chief of the Kenya Defence Forces;
 - (c) the Director-General of the National Intelligence Service;

- (d) the three Service Commanders of the Kenya Defence Forces;
- (e) the Principal Secretary responsible for university education;
- (f) the Principal Secretary responsible for Defence;
- (g) the Principal Secretary, the National Treasury;
- (h) a person with experience in diplomacy, not being an employee of the University, appointed by the Cabinet Secretary for Defence;
- (i) one senior academician, not being an employee of the University and with experience in matters relating to higher education, appointed by the Cabinet Secretary responsible for university education;
- (j) one person from the public or the private sector with proven entrepreneurial or resource mobilization skills, appointed by the Cabinet Secretary responsible for university education in consultation with the Cabinet Secretary for Defence; and
- (k) the Vice-Chancellor, who shall be the Secretary.

(2) The Council may co-opt such other persons whose skills or experience are necessary for the purposes of the functions of the Council for such period as it may deem appropriate.

(3) The terms of office of the members of the Council shall be as provided for in the instrument of their appointment.

(4) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall notify the appointing authority within fourteen days and request for the appointment of a replacement.

(5) Subject to this Charter, the Council shall be the governing body of the University and its functions shall include—

- (a) making and approving Statutes in accordance with the Act;
- (b) determining, recruiting, appointing and promoting employees of the University who are not members of the National Security Organs;
- (c) requesting and accepting the secondment and transfer of service of public officers from relevant public agencies with the concurrence of the relevant appointing authority;
- (d) approving terms and conditions of service for employees of the University who are not members of the National Security Organs;
- (e) approving reports from the Senate on conferment of Honorary Degrees;
- (f) recommending the annual budget of the University to the Ministry responsible for Defence;
- (g) recommending to the Ministry responsible for Defence, the purchase, lease or hire or acquisition and holding of any land, buildings, easements or inheritances of any tenure and any other freehold or leasehold property, and construction or provision of any buildings, works, stores, plant and equipment which may from time to time be deemed requisite for any of the purposes of the University;

- (h) determining, after considering the recommendations of the Senate, all fees payable to the University;
- (i) on the recommendation of the Senate, providing in accordance with the Statutes, for the creation of new divisions, faculties, schools, institutes, departments, centers or other bodies of learning, research and production in the University;
- (j) instituting, on the recommendation of the Senate, fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
- (k) approving the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
- (l) setting up such committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine, provided that the Council may not delegate its principal mandate to the committees;
- (m) approving regulations governing the conduct and discipline of students of the University;
- (n) receiving, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
- (o) providing for the welfare of the staff and students of the University;
- (p) monitoring and evaluating the implementation of strategies, policies, and the management criteria and plans of the University;
- (q) entering into association, collaboration or linkages with other bodies or organizations within or outside Kenya as the University may consider desirable or appropriate and in furtherance of the purpose for which the University is established;
- (r) ensuring that the University complies with the Constitution, other relevant laws, regulations, governance practices, accounting and auditing standards;
- (s) performing such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

The Vice-Chancellor

17. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the Chancellor on the advice of the Council.

(2) The Vice-Chancellor shall be a holder of at least a Master's degree in security or related studies from a University recognized in Kenya.

(3) The Vice-Chancellor shall be the chief executive of the University and shall, if a serving military officer, be not below the rank of Lieutenant General or if a retired military officer should have held the rank of a Lieutenant General or General or if a person is neither a serving nor retired military officer, should have not less than 10 years of experience in strategic leadership in public service.

(4) The Vice-Chancellor—

- (a) shall be the academic and administrative head of the University;
- (b) shall have the overall responsibility for the direction, organization, development administration and programmes of the University;

- (c) shall be the Chairperson of the University Management Board and the Senate;
- (d) be responsible to the Council for the general conduct and discipline of the students and staff of the University; and
- (e) be responsible to the Council for academic, research and other programmes.

(5) The Vice-Chancellor shall be appointed upon such terms and conditions of service as shall be contained in the appointment instrument and in the Statutes.

The Deputy Vice-Chancellors

18. (1) There shall be two or more Deputy Vice-Chancellors, appointed in accordance with the Statutes and who shall be under the general authority of the Vice-Chancellor.

(2) The Deputy Vice Chancellors shall exercise such powers and performs such duties as may be provided for by the Statutes.

(3) A Deputy Vice Chancellor who is a serving officer shall be at the rank of Major General and appointed upon such terms and conditions of service as shall be contained in the appointment instrument and in the Statutes.

(4) A Deputy Vice-Chancellor who is a non-military officer or a retired military officer shall hold office for a period of three years, renewable once subject to performance.

The Heads of Constituent Colleges

19. (1) The Principal, Director or Head of a Constituent College shall be appointed by the respective Council and shall be the academic and administrative head of the Constituent College.

(2) The appointment provided for in subparagraph (1) shall be done in accordance with the Statutes of the respective Colleges and shall hold office upon such terms and conditions as maybe applicable in respective College.

(3) The Principal, Director or Head of a Constituent College shall be the academic and administrative head of the College and shall, under the general authority of the Vice-Chancellor, have such powers and duties as may be provided for by the Statutes.

Heads of Colleges or Institutions of the University

20. The Commandant, Principal or Directors of the Colleges referred to in paragraph (39) shall be appointed in accordance with the Statutes and shall be the academic and administrative heads of their respective institutions.

The Senate

21. (1) There shall be Senate of the University which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Deputy Vice-Chancellor (Academic Affairs), who shall be the Secretary;
- (d) all Heads of Colleges, Constituent Colleges or Institutes of the University;
- (e) the Chief Librarian;
- (f) the Registrars;

- (g) the Deans of Faculties, Directors of Schools, Institutes, Campuses and Centres;
 - (h) the Professors of the University;
 - (i) the Heads of Departments;
 - (j) one representative of the teaching staff;
 - (k) a representative of the University students; and
 - (l) such other member as the Council may determine in accordance with the Statutes.
- (2) The Senate shall have the following powers and duties—
- (a) satisfying itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
 - (b) proposing Statutes to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
 - (c) proposing Statutes to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificates or other awards of the University;
 - (d) deciding which persons have attained prescribed standards of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
 - (e) initiating proposals relating to the conduct of the University's academic programmes or affairs generally and to make representations thereon to the Council;
 - (f) recommending to the Council the establishment, or abolition or harmonization of Faculties, Schools, Institutes, Units, Departments, and Centres as the Senate may from time to time deem necessary;
 - (g) making recommendations to the Council, subject to the Act, for the establishment or abolition or supervision, degree and other academic programmes and their titles in the University;
 - (h) setting the dates of the academic year and to determine the schedule of academic programmes within the academic year;
 - (i) approving all syllabi of the University;
 - (j) making regulations governing methods of assessing and examining the academic performance of students;
 - (k) evaluating academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
 - (l) regulating the conduct of examinations;
 - (m) appointing internal and external examiners;
 - (n) recommending to the Council the terms and conditions for the appointment of internal and external examiners;
 - (o) approving examination results;

- (p) approving, subject to the Act, the award of degrees including the award of honorary degrees and other academic distinctions;
- (q) determining which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (r) determining the procedure to be followed in the conferment of the degrees and other awards;
- (s) determining the design of academic dress and prescribing its use;
- (t) evaluating research, teaching, staffing and general work of anybody or section of the University and if it so wishes to report and make recommendations thereon to the Council;
- (u) promoting and administering the extra-mural, external and extension work of the University;
- (v) promoting research and innovation work in the University;
- (w) promoting co-operation and linkages with other institutions of higher learning and industry;
- (x) making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (y) developing, implementing and promoting quality assurance systems and structures in all University operations;
- (z) promoting the welfare of students and staff in the University;
- (aa) proposing regulations and procedures for the discipline of non-military students and making recommendations thereof to the Council;
- (bb) discontinuing a student from a programme of study on academic grounds;
- (cc) receiving proposals from various Boards and Faculties, Institutes, Schools, Centers and considering their recommendations and making appropriate decisions;
- (dd) recommending to the Council appropriate criteria for appointment and promotion of academic staff of the University;
- (ee) reviewing the Statutes from time to time and making recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
- (ff) determining general policy matters relating to the library, laboratory facilities, teaching aids, workshops and such other academic services which are in its view necessary for the furtherance of the academic objectives of the University.

(3) The Senate shall exercise such other powers as may be conferred to the Senate by the Act, the Statutes or by the regulations and to do such other acts as the Council shall authorize.

(4) Notwithstanding any of the provisions of this Charter, the Council shall not initiate any action in respect of academic matters except upon receipt of a report or

proposal, and the Council shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Senate.

The Alumni Association

22. (1) There shall be an Alumni Association which shall consist of all persons whose names appear on the Alumni Association membership register, to be compiled and kept by the Secretary of the Association and such members as may be prescribed in the Statutes.

(2) The functions and powers of the Alumni Association shall be as prescribed in the statutes.

PART IV— MANAGEMENT OF THE UNIVERSITY

The University Management Board

23. (1) There shall be a University Management Board which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Deputy Vice-Chancellor (Finance and Administration), who shall be the Secretary;
- (d) the Heads of Colleges, Constituent Colleges and Institutions of the University;
- (e) the Deans and Directors of Faculties and Institutes;
- (f) the Registrars;
- (g) the Head of Legal;
- (h) the Chief Librarian;
- (i) the Chief Finance Officer; and
- (j) other officers who may be co-opted by the Board.

(2) The functions of the Board shall be—

- (a) proposing rules and regulations to the Council for the administration of the University;
- (b) managing and administering the day to day operations and affairs of the University;
- (c) drawing the University budget for consideration by the Council;
- (d) developing the institutions' Master and Strategic plans; and
- (e) performing any other function in furtherance of the University objects as may be prescribed by the Statutes.

The Staff of the University

24. (1) The Academic Staff of the University shall consist of all members of staff who are engaged in teaching, research or extension in the University.

(2) The technical staff of the University shall consist of staff engaged in—

- (a) service in the laboratories;
 - (b) field instruction;
 - (c) operational training workshops;
 - (d) such similar environment in the teaching department under the general direction of the heads of the teaching departments; and
 - (e) such other members of staff as the Council may from time to time determine.
- (3) The administrative staff of the University shall consist of the following—
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals, Directors, Commandants of Colleges and Institutions of the University;
 - (d) the Principals and Heads of Constituent Colleges;
 - (e) the Deans and Directors of Faculties or Institutes;
 - (f) the Head of Legal Department;
 - (g) the University Librarian;
 - (h) the Registrars; and
 - (i) the Administrators.
- (3) The support staff of the University shall, consist of the staff engaged in general duties and as the Council may from time to time determine.
- (4) All members of staff of the University shall, subject to this Charter, be appointed either—
- (a) in the manner and upon the terms and conditions of the services prescribed in their mode of engagement either as defence officers or otherwise categorized in the Statutes;
 - (b) in the case of a person seconded to the services of the University from another institution, the government or any other public service, on terms and condition agreed upon with the Council.
- (5) The Council may, subject to such restrictions as it may impose, delegate either generally or specifically, to any person, Committee, or body, the power to appoint any member of the staff of the University.
- (6) All members of staff of the University shall—
- (a) be subject to the general authority of the Council and of the Vice-Chancellor; and
 - (b) be deemed to be employed in accordance with the Statutes or otherwise specifically provided by the Statutes or by the terms of a particular appointment.

Convocation

25. (1) There shall be a Convocation of the University which shall consist of such members as may be prescribed by the Statutes.

(2) The convocation shall be convened for purposes of conferment of awards and for such other functions as may be outlined in the Statutes.

Performance of functions during incapacity of Senior Office Holders

26. (1) In the event of incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity for a maximum period of one hundred and eighty calendar days.

(2) In the event of simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor may, after consultation with the Chairman of the Council, appoint one of the Principals of the Colleges of the University to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(3) In the event of simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, the Chancellor may, after consultation with the Chairman of the Council, appoint a member of the academic staff at the level of professor to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(4) In the event of incapacity of any member of staff of the University, the Vice-Chancellor may appoint a suitable person to perform the functions of the said member of staff during the period of absence for a maximum period of one hundred and eighty calendar days.

(5) Subject to the discretion of the Council upon the expiry of the above prescribed period, the position shall fall vacant and the process of filling up the position as provided for in the Act, Statutes, or regulations may commence.

(6) For the purposes of this paragraph—

(a) “absence” includes absence from Kenya or the inability for any reason to perform the functions of the office held; and

(b) “Senior Office Holders” means the Vice-Chancellor, Deputy Vice-Chancellor, the Commandants, Principals and Directors of Colleges or Constituent Colleges.

PART V—FINANCIAL PROVISIONS

Fiscal Year

27. (1) The fiscal year of the University shall be a period of twelve months commencing on the 1st July and ending on 30th June in the following year.

(2) In the event of any change in the fiscal year, and for purposes of transition from the old fiscal year to a new fiscal year consequent upon the change, the transitional period, whether more or less than twelve months, shall be deemed for the purposes of this Charter to be a fiscal year.

Investment of Funds

28. The Council may invest any of the funds of the University in accordance with the provisions of the Act.

Annual Estimates

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

(2) The annual estimates shall make provisions for all the estimated expenditure of the University for the Fiscal 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;
- (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;
- (c) for the proper maintenance of the buildings and grounds of the University;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University;
- (e) for the funding of the cost of teaching, research and outreach activities of the University;
- (f) for development purposes; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits insurance or replacement of buildings or equipment and in respect of such other matters as the Council may think fit.

(3) The Vice Chancellor may incur expenditure for purposes of the University in accordance with estimates approved by the Council, and any approved expenditure under any head of the estimates may not be exceeded without the prior approval of the Council.

Accounts and Audit

30. (1) The Council shall cause to be kept audited books of accounts of the income, expenditure and assets of the University.

(2) Within a period of four months from the end of each Fiscal Year, the Council shall submit to the Controller and Auditor-General, the accounts of the University.

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

Unexpended Monies

31. Any unexpended balance of the grant made in accordance to the Act may be carried forward in the account of the University from one year to the next and be expended as the University Council may determine.

Funds and Resources

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

- (a) the Government funding;
- (b) the Tuition fees and fees from services rendered;
- (c) the Donations and grants;
- (d) the Endowment;
- (e) the Gifts and trusts;
- (f) the Income from auxiliary activities; and
- (g) other sources as the University Council may from time to time identify.

PART VI—MISCELLANEOUS PROVISIONS

Associations, Collaborations or Linkages

33. The Council may enter into association, collaboration or linkages with other bodies or organizations within or outside Kenya for purposes of—

- (a) training and exchange programmes;
- (b) research and development;
- (c) running specialized programmes in support of government institutions;
- (d) any other areas as the University may consider desirable or appropriate and in furtherance of the purpose for which the University is established.

Instruments of Governance

34. (1) The University shall conspicuously display all its instruments of governance.

(2) Where any instrument is revoked under this Charter, the University shall, within fourteen days of such revocation, return the original instrument of governance to the Commission subject to the provisions of this Charter.

(3) For the purpose of this paragraph, instrument of governance means the charter and the Statutes made by the Council.

Common Seal and Instruments of Authority

35. (1) The University shall possess the following instruments of power—

- (a) the University Mace;
- (b) the Common Seal for signification of documents;
- (c) the University Logo; and
- (d) the Assessment Report

(2) The Common Seal of the University shall be kept in such custody and used only as the Council shall direct.

(3) The Common Seal of the University shall be authenticated by the signatures of the Vice-Chancellor together with any other person duly authorized by the Council.

(4) The Common Seal of the University 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.

(5) All documents other than those required by law to be under Seal, made on behalf of the Council and all decisions of the Council shall be under the hand of the Chairperson, the Vice-Chancellor or the respective Deputy Vice-Chancellor or any other member of the Council duly authorized by the Council on its behalf.

(6) The Mace shall be kept in such custody as the Council may direct.

(7) The Mace shall be used as specified in the Statutes.

(8) No person, body, authority and or organization performing any function related to administration, registration of companies, business, trade, advertisement, calling,

profession, shall use the Common Seal and Logo of the University except with the consent of the Council and or authorized representative of the Council.

The Statutes

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

- (a) establishment of Colleges, Faculties, Schools, Institutes and Centres of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) defining the requirement for conferment of degrees and award of diplomas, certificate other academic qualifications;
- (d) conduct of examinations;
- (e) determination and collection of fees and other charges;
- (f) prescription of rules and regulations for the conduct and organization of student affairs;
- (g) setting the terms and conditions of service including the appointment, dismissal and recommendation of retirement benefits of the members of staff of the University;
- (h) constitution and procedure of meetings of the Council, and the establishment composition and terms of reference of committees of the Council; and
- (i) providing for or prescribing anything, which, under this Charter may provide for or prescribed by Statutes.

Protection of the Name

37. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for registration any name which includes the words “National Defence” together with the word “University” unless the application for the registration is accompanied by the written consent of the Council.

(2) A person shall not use the name of the University as established by this Charter for the purposes of advertisement, publication, business, trade or profession, without the written consent of the Council.

(3) Any person who, except with the written consent of the Council, uses the word “National Defence” together with the word “University” 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 on conviction to a fine not exceeding One Million Kenya shillings, or imprisonment for a term not exceeding three years or both.

(4) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the bona-fide use by staff, students and Alumni in pursuance of the functions of the University.

Transitional

38. The following colleges, existing immediately before the grant of this Charter, shall be deemed to be colleges of the University established under paragraph 10 of this Charter—

- (a) the National Defence College, Karen, Nairobi;
- (b) the Defence Staff College, Karen, Nairobi;
- (c) the Kenya Military Academy, Nakuru;
- (d) the International Peace Support Training Centre, Karen, Nairobi; and
- (e) the Defence Technical College, Embakasi Garrison, Nairobi.

(2) All students pursuing degree, diploma or certificate programmes under a Memorandum of Understanding or any other arrangement with a University or Institution, shall, at the commencement of this Charter, be allowed to complete their courses and be awarded degrees, diplomas and certificates of the University or Institution to which they are admitted.

(3) All academic programmes leading to the award of diploma and certificates by the colleges specified in subparagraph (1) pursuant to a Memorandum of Understanding or any other arrangement with a University or Institution, shall, at the commencement of this Charter and upon alignment with the established National Qualifications Framework, be recognised as academic programmes of the University leading to the award of diplomas and certificates of the University.

(4) The University shall commence the admission of students within twelve months of the award of this Charter.

Variation and Revocation of this Charter

39. This Charter may be varied, amended or revoked in accordance with the Universities Act, 2012.

Given under my hand and the public seal of the Republic of Kenya:

On the 27th day of May, 2021.

UHURU KENYATTA,
President.

Dated the 27th May, 2021.

GEORGE A. O. MAGOHA,
Cabinet Secretary for Education.